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TABLE OF CONTENTS

Chapter | Page

Volume One

1. General Provisions . . . 3
2. Board of Supervisors . . . 17
2A. Executive Branch . . . 47
2B. Assessment Appeals Boards (Tax Appeal Boards) . . . 77
3. Budget Procedures . . . 87
4. City Buildings, Equipment and Vehicles . . . 99
5. Committees . . . 109
6. Public Works Contracting Policies and Procedures . . . 161
7. Disaster Council . . . 195
8. Documents, Records and Publications . . . 205
9A. Farmers' Market . . . 225
9B. Flea Market . . . 233
10. Finance, Taxation and Other Fiscal Matters . . . 237
10A. [Reserved] . . . 393
10B. Special Law Enforcement and Public Works Services . . . 397
10C. Reimbursement for Towing and Storage of Vehicles . . . 403
10D. [Reserved] . . . 409
10E. Downtown Plan Monitoring . . . 415
10F. 1660 Mission Street Surcharge . . . 421
10G. Board of Appeals Surcharge for Permits and Fees . . . 424A
10H. Recovery of Costs of Emergency Response . . . 424E

Volume Two

11. Franchises . . . 425
12. Housing Authority . . . 453
12A. Human Rights Commission . . . 459
12B. Nondiscrimination in Contracts . . . 469
12C. Nondiscrimination in Property Contracts . . . 481
12D. Minority/Women/Local Business Utilization . . . 489
12E. City Employee's Sexual Privacy Ordinance . . . 545
12F. Implementing the Macbride Principles—Northern Ireland . . . 549
12G. Prohibition on Use of Public Funds for Political Activity by Recipients of City Contracts, Grants, and Loans. . . . 555
12H. Immigration Status . . . 557
12I. [Reserved] . . . 561
12J. City Business with Burma Prohibited . . . 569
12K. Local Implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) . . . 577
12L. Public Access to Records and Meetings of Nonprofit Organizations . . . 585
12M. Nondisclosure of Private Information . . . 593

Chapter		Page
12N.	Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Youth: Youth Services Sensitivity Training	595
12O.	Earned Income Credit Information	598A
12P.	Minimum Compensation	598E
12Q.	Health Care Accountability	598O
12R.	Minimum Wage	599
12S.	Working Families Credit Program	600M
12T.	[Reserved]	600Q
13.	Jails and Prisoners	600U
14.	[Reserved]	613
14A.	Disadvantaged Business Enterprise Program	614A
15.	Mental Health Service	615
16.	Officers and Employees Generally	627
17.	Public Off-street Parking Facilities	807
18.	Payroll Procedure	817
19.	[Reserved]	825
19A.	Public Health	827
20.	Social Services	839
21.	Acquisition of Commodities and Services	919
21A.	[Reserved]	939
21B.	[Reserved]	949
21C.	Price Adjustments in the Award of City Procurement Contracts to Reflect Direct Sales Tax and Business Tax Revenues for the City, the San Francisco Unified School District, the San Francisco Community College District, and the San Francisco Transportation Authority	957
21D	[Reserved]	961
21E	[Reserved]	963
21F	[Reserved]	965
21G.	[Reserved]	967
22.	Radio Communication Facilities	973
22A.	[Reserved]	977
22B.	Telecommunications Facilities	979
22C.	Public Internet Access	982A
23.	Real Property Transactions	983
23A.	Surplus City Property Ordinance	1010A
24.	Redevelopment Agency	1011
24A.	Administrative Structure Local Rent Supplement Program in the Office of Mayor	1017
24B.	Relocation Appeals Board	1025
25.	Street Lighting	1031
26.	[Reserved]	1035
27.	[Reserved]	1037
28.	Administrative Debarment Procedure	1041
29.	Findings of Fiscal Responsibility and Feasibility	1047
30.	[Reserved]	1049

3 1223 07086 3510

Table of Contents

Chapter | Page

Volume Three

31. California Environmental Quality Act Procedures and Fees 1051
32. Residential Rehabilitation Loan Program 1075
33. Commission on the Status of Women 1089
34. Notification to Assessor Concerning Zoning Reclassifications of Property, Conditional Use Permits and Variances 1107
35. [Reserved] 1113
36. [Reserved] 1131
37. Residential Rent Stabilization and Arbitration Ordinance 1141
37A. Residential Rent Stabilization and Arbitration Fee 1167
38. Transit Impact Development Fee 1173
39. [Reserved] 1187
40. Housing Code Enforcement Loan Program 1195
41. Residential Hotel Unit Conversion and Demolition 1219
41A. Apartment Unit Conversion Ordinance 1241
41B. [Reserved] 1247
41C. Time-share Conversion Ordinance 1249
41D. Residential Hotel Visitor Policies 1252A
42. Industrial Development Authority 1253
43. Municipal Finance Law 1259
44. Adult Day Health Care Planning Council 1287
45. Jury Fees 1291
46. [Reserved] 1292C
47. [Reserved] 1292E
48. [Reserved] 1293
49. Security Deposits for Residential Rental Property 1295
49A. Residential Tenant Communications 1298A
50. Nonprofit Performing Arts Loan Program 1299
51. Voluntary Arts Contributions Program 1309
52. [Reserved] 1317
53. [Reserved] 1321
54. Southeast Community Facility Commission 1323
55. [Reserved] 1329
56. Development Agreements 1333
57. Film Commission 1347
58. [Reserved] 1353
59. [Reserved] 1383
60. Assisted Housing Preservation Ordinance 1385
61. Waterfront Land Use 1403
62. Domestic Partnerships 1411
63. Limitations on Water Use for Landscaping in New Developments and Landscaping Renovations 1417
64. [Reserved] 1423

Chapter		Page
65.	Rent Reduction and Relocation Plan For Tenants Inconvenienced by Seismic Work Performed Pursuant to Chapters 14 and 15 of the San Francisco Building Code	1427
66.	Seismic Safety Retrofit Program	1431
66A.	Seismic Safety Loan Program	1437
67.	The San Francisco Sunshine Ordinance of 1999	1449
67A.	Cell Phones, Pagers and Similar Sound-Producing Electrical Devices	1472I
68.	Cultural Equity Endowment Fund	1473
69.	San Francisco Health Authority	1479
70.	In-home Supportive Services Public Authority	1485
71.	Mills Act Contract Procedures	1491
72.	Relocation Assistance for Lead Hazard Remediation	1497
73.	[Reserved]	1505
74.	[Reserved]	1507
75.	[Reserved]	1515
76.	[Reserved]	1517
77.	Building Inspection Commission Appeals	1519
78.	Department of Building Inspection Permit Tracking System	1527
79.	Preapproval Notice for Certain City Projects	1531
80.	[Reserved]	1537
81.	[Reserved]	1539
82.	[Reserved]	1543
83.	First Source Hiring Program	1557
84.	San Francisco Residential Rent Assistance Program for Persons Disqualified from Federal Rent Subsidy Programs by the Federal Quality Housing and Work Responsibility Act of 1998 (QHWRA)	1571
85.	[Reserved]	1575
86.	Children and Families First Commission	1587
87.	Fair Housing Implementation Ordinance	1593
88.	Performance and Review Ordinance of 1999	1599
89.	Department of Child Support Services	1607

Volume Four

90.	Entertainment Commission	1611
91.	Equal Access to Services	1613
92.	Real Estate Loan Counseling and Education	1621
93.	[Reserved]	1631
94.	[Reserved]	1641
95.	Identification Cards	1651
96.	Coordination between the Police Department and the Office of Citizen Complaints	1655

Appendices: Initiative Ordinances

Index

CHAPTER 90: ENTERTAINMENT COMMISSION

CHAPTER 90: ENTERTAINMENT COMMISSION

Sec. 90.1.	Declaration of Policy.
Sec. 90.2.	Definitions.
Sec. 90.3.	Establishment of Entertainment Commission.
Sec. 90.4.	Powers and Duties of the Entertainment Commission.
Sec. 90.5.	Executive Director.
Sec. 90.6.	Permit Administrators.
Sec. 90.7.	Sound Technician.
Sec. 90.8.	Annual Reports.
Sec. 90.9.	Fees.

SEC. 90.1. DECLARATION OF POLICY.

It is the policy of the City and County of San Francisco to have a system of coordinated planning and permitting for cultural, entertainment, athletic and similar events and establishments throughout the City to promote such establishments and events for the economic and cultural enrichment of San Franciscans and visitors to San Francisco, and to celebrate the diverse communities within San Francisco. To facilitate this goal it is the policy of the City to have the San Francisco Entertainment Commission: (1) assist the organizers and operators of cultural, entertainment, athletic and similar events and establishments to apply for, and obtain from the commission and other City departments when the applicant satisfies the requirements therefor, all necessary permits from the City; (2) promote the responsible conduct and operation of such events and establishments; (3) promote the development of a vibrant entertainment and late-night entertainment industry within the City; (4) promote the use of City facilities for cultural, entertainment, athletic and similar events that generate revenue for the City; (5) foster harm reduction policies, including but not limited to reduction of risks from substance use, hearing protection, heat exhaustion, and relevant health and safety measures; (6) develop and recommend to the Mayor and Board of Supervisors "good neighbor policies" that appropriately balance the cultural, economic, employment and other benefits of a vibrant entertainment and late-night entertainment industry with the needs of residents and businesses in the vicinity of entertainment venues; (7) mediate disputes between persons affected by cultural, entertainment, athletic and similar events and establishments, and the organizers of such events and operators of such establishments; (8) assume responsibility from the Police Department for issuing entertainment-related permits; (9) plan and coordinate City services for major events or which there is no recognized or adequate organizer or promoter, such as Halloween bacchanalia in the Castro district and New Year's Eve festivities; and (10) provide information regarding venues and services appropriate for conducting events and functions ancillary to conventions held within the City, including conventions at the Moscone Convention Center. (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.2. DEFINITIONS.

Except as the context may otherwise require, the terms used in this Chapter shall have the following meanings:

(a) "City" means the City and County of San Francisco.

(b) "Entertainment Commission" and "commission" mean the San Francisco Entertainment Commission, and includes where appropriate the Executive Director, Permit Administrators, Sound Technician and other staff designated by the Entertainment Commission to perform the functions of the commission specified by the Charter, this Chapter, Articles 1, 15, 15.1, and 15.2 of the San Francisco Police Code, or other law.

(c) "Entertainment-related permits" include the following:

(i) Loudspeaker permits;

(ii) Itinerant show permits;

(iii) Dance hall keepers permits;

(iv) Place of entertainment permits;

(v) After hours permits; and

(vi) Licenses for amusements.

(d) "Executive Director" means the Executive Director of the San Francisco Entertainment Commission.

(e) "Permit Administrators" means the Permit Administrators of the San Francisco Entertainment Commission.

(f) "Sound Technician" means the Sound Technician(s) of the San Francisco Entertainment Commission. (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.3. ESTABLISHMENT OF ENTERTAINMENT COMMISSION.

(a) **Establishment of Commission.** There is hereby established the San Francisco Entertainment Commission consisting of seven members.

(b) **Appointment of Commissioners.** Appointment of the members of the commission shall be as set forth in the City Charter:

(c) **Terms of Commissioners.** For purposes of staggering the terms of the commissioners, the initial appointments shall have terms as follows: three commissioners shall have initial terms of four years, two commissioners shall have initial terms of three years, and two commissioners shall have initial terms of two years. All terms of the initial appointees to the commission shall be deemed to commence upon the same date, which shall be the date upon which the last of the seven initial appointees assumes office. Thereafter, all appointments and reappointments shall be for a term of four years.

(d) **Compensation; Reimbursement of Reasonable Expenses.** Subject to the availability of funds, the commissioners shall (i) receive compensation of $50 per meeting and (ii) be reimbursed reasonable expenses incurred for authorized activities on behalf of the commission pursuant to written policies and procedures adopted by the commission and approved by the Board of Supervisors.

(e) **Chairperson.** The commission shall, annually, elect a chairperson who shall serve for a term of one year. The commission may reappoint the chairperson to serve additional terms. The chairperson may call special meetings, instruct the Executive Director to undertake all steps necessary or appropriate for the commission to issue, deny, condition, suspend, revoke and transfer entertainment-related permits in a timely manner, and to perform such other duties as may be set forth in the bylaws of the commission. (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.4. POWERS AND DUTIES OF THE ENTERTAINMENT COMMISSION.

In addition to the powers and duties set forth in Sections 4.102, 4.103 and 4.104 of the Charter, the commission shall have the following powers and duties:

(a) Accept review, gather information regarding, and conduct hearings upon applications for entertainment-related permits; and rule upon and issue, deny, condition, suspend, revoke or transfer entertainment-related permits in accordance with applicable laws and regulations. The commission may authorize the executive director or permit administrators, or both, to rule upon applications and grant, deny, condition, transfer or modify specified types of entertainment-related permits deemed by the commission to be routine and unlikely to pose significant negative impacts on persons in the vicinity of the event or establishment for which the permit is sought; provided, that any City department with an interest in the permit or person having a right to appeal to the Board of Appeals under Section 30 of the San Francisco Business and Tax Regulations Code may, in writing, (i) request that the permit application be heard in the first instance by the commission, or (ii) request reconsideration by the commission of the executive director's or permit administrator's decision. If the commission grants a request for reconsideration, it may hear the matter *de novo*, or may limit its review to the administrative record that was before the executive director or permit administrator at the time of his or her decision.

(b) Impose reasonable conditions upon the issuance or renewal of entertainment-related permits consistent with the applicable law, regulations and the good neighbor policy or policies for the location or locations of the establishment or event for which the permit is sought.

(c) Suspend, revoke or withdraw entertainment-related permits in accordance with the law and regulations governing such permits.

(d) Coordinate with all relevant City departments for the conduct of any inspection or investigation necessary or appropriate for the full and fair consideration of applications for the issuance, renewal or transfer of entertainment-related permits, including without limitation the Police Department and the Department of Public Health.

(e) Promote the use of City facilities for cultural, entertainment, athletic and similar events that generate revenue for the City, in consultation with the City departments having jurisdiction over such facilities.

(f) Develop and recommend to the Mayor and Board of Supervisors "good neighbor policies" that balance competing interests and promote the health, safety and welfare of San Franciscans and visitors to San Francisco.

(g) Mediate disputes between persons affected by cultural, entertainment and athletic events and establishments permitted by the City and the organizers of such events and operators of such establishments.

(h) Plan and coordinate the provision of City services for major events for which there is no recognized organizer, promoter or sponsor, or where identified organizers, promoters or sponsors cannot, in the opinion of the commission, provide adequate planning and coordination for the size, geographic distribution or nature of the event. For purposes of this Chapter, "major events" means an anticipated gathering of persons on or adjacent to public property or roadways that is likely to require police services, fire services, toilet facilities, traffic control, the availability of potable water or other City services to protect the health, safety and welfare of participants, neighbors or other persons likely to be affected by the event, including but not limited to spontaneous gatherings on Halloween, Pride events (including Pink Saturday), St. Patrick's Day and New Year's Eve.

(i) In the case of events with an expected attendance or participation of more than 1,000 people at any one time, permit applicants shall submit an emergency medical services plan to the Entertainment Commission with their permit application. The Entertainment Commission shall forward the applicant's proposed emergency medical services plan to the Director of Emergency Medical Services and Emergency Operations Section (EMSEO) along with a deadline for reviewing the plan and submitting recommendations to the Entertainment Commission. If the EMSEO submits recommendations to the Entertainment Commission, the Entertainment Commission shall consider the recommendations. The Entertainment Commission shall notify the Director of EMSEO of the approval or disapproval of the application.

(j) Prepare and submit to the Mayor and Board of Supervisors a report analyzing the commission's effectiveness in advancing the policies specified in Section 90.1 and the laws governing entertainment-related permits, and making recommendations related thereto. The commission shall submit the report to the Mayor and Board of Supervisors within one year of effective date of this Chapter, and not less than once every five years thereafter.

(k) With the approval of the Recreation and Parks Commission or Port Commission, as the case may be, exercise the powers and perform the duties set forth in this Section with respect to events and establishments to be held or operated upon property or within facilities under the jurisdiction of the Recreation and Parks Commission or Port Commission. (Added by Ord. 164-02, File No. 020783, App. 7/26/2002; amended by Ord. 242-05, File No. 051382, App. 10/21/2005)

SEC. 90.5. EXECUTIVE DIRECTOR.

The Executive Director shall manage the day-to-day affairs of the Entertainment Commission. The Executive Director shall appoint and have supervisory authority over the permit administrators, sound technician(s), and other commission personnel. The Executive Director shall be responsible for planning and coordinating of major cultural, entertainment, athletic and similar events in the City (provided that the Police Department shall continue to be responsible for all matters concerning security and law enforcement); promoting the use of City-owned facilities for such events; promoting the location of cultural, entertainment, athletic and similar establishments within the City; promoting the responsible operation of such establishments and

adherence by their operators to good neighbor policies designed to protect the health, safety and welfare of residents and businesses in the vicinity of such establishments, and performing such other duties as the commission may prescribe. (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.6. PERMIT ADMINISTRATORS.

Permit administrators shall be responsible for reviewing applications and advising applicants regarding the submission of all necessary information and documentation for the commission to process applications in a timely manner; verifying information contained on entertainment-related permit applications; assisting other City departments in the review of applications for permits necessary for and coordinating investigations by developing instructions, manuals and forms for entertainment-related permit applications that can be accessed on the internet; informally mediating disputes between neighbors and such establishments and events; and for such other duties as the Executive Director may prescribe. (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.7. SOUND TECHNICIAN.

Sound technicians shall by responsible for conducting tests and investigations relating to noise levels and compliance with Article 29 of the Sara Francisco Police Code as may be necessary or appropriate for the issuance, denial, conditioning, suspension, revocation or transfer of entertainment-related permits; issuing findings, reports and recommendations thereon; and for such other duties as the Executive Director may prescribe. (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.8. ANNUAL REPORTS.

The Entertainment Commission shall issue an annual report to the Board of Supervisors and Mayor by March 1st regarding its activities for the preceding year. (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

SEC. 90.9. FEES.

Within one year after the operative date of this Article, and annually thereafter, the Entertainment Commission shall submit a report to the Mayor and Board of Supervisors analyzing the fee revenue generated from the issuance, renewal and processing of applications for entertainment-related permits, and proposing fees therefor that will cover the annual operating costs of the commission. Within three years of the operative date of this Article, the Board of Supervisors shall establish fees for entertainment-related permits at levels sufficient to cover the estimated annual operating costs of the commission. (Added by Ord. 164-02, File No. 020783, App. 7/26/2002)

CHAPTER 91: EQUAL ACCESS TO SERVICES

CHAPTER 91: EQUAL ACCESS TO SERVICES

Sec. 91.1.	Title.
Sec. 91.2.	Definitions.
Sec. 91.3.	Equal Access to Services.
Sec. 91.4.	Translation of Materials.
Sec. 91.5.	Dissemination of Translated Materials from the State and Federal Government.
Sec. 91.6.	Public Meetings and Hearings.
Sec. 91.7.	Recorded Telephonic Messages.
Sec. 91.8.	Complaint Procedure.
Sec. 91.9.	Compliance Plans.
Sec. 91.10.	Recruitment.
Sec. 91.11.	Commission Responsibilities.
Sec. 91.12.	Rules and Regulations.
Sec. 91.13.	Enforcement.
Sec. 91.14.	Severability.

SEC. 91.1. TITLE.

This chapter shall be known as the "Equal Access to Services Ordinance." (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.2. DEFINITIONS.

As used in this Chapter, the following capitalized terms shall have the following meanings:

(a) "Bilingual Employee" shall mean a City employee who is proficient in the English language and a language other than English.

(b) "City" shall mean the City and County of San Francisco.

(c) "Commission" shall mean the Immigrant Rights Commission.

(d) "Concentrated Number of Limited English Speaking Persons" shall mean either 5 percent of the population of the District in which a Covered Department Facility is located or 5 percent of those persons who use the services provided by the Covered Department Facility. The Planning Department shall determine annually whether 5 percent or more of the population of any District in which a Covered Department Facility is located are limited English speaking persons who speak a shared language other than English. The Planning Department shall make this determination by referring to the best available data from the United States Census Bureau or another reliable source and shall certify its determination to all City Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those persons who use the Department's services at a Covered Department Facility are limited English speaking persons who speak a shared language other than English using either of the following methods specified in Section 91.2(j) of this Article.

(e) "Covered Department Facility" shall mean any Department building, office, or location that provides direct services to the public and serves as the workplace for 5 or more full-time City employees.

(f) "Departments" shall mean both Tier 1 Departments and Tier 2 Departments.

(g) "Districts" shall refer to the 11 geographical districts by which the people of the City elect the members of the City's Board of Supervisors. If the City should abandon the district election system, the Commission shall have the authority to draw district boundaries for the purposes of this Article that are approximately equal in population.

(h) "Limited English Speaking Person" shall mean an individual who does not speak English well or is otherwise unable to communicate effectively in English because English is not the individual's primary language.

(i) "Public Contact Position" shall mean a position in which a primary job responsibility consists of meeting, contacting, and dealing with the public in the performance of the duties of that position.

(j) "Substantial Number of Limited English Speaking Persons" shall mean either 10,000 City residents, or 5 percent of those persons who use the Department's services. The Planning Department shall determine annually whether at least 10,000 limited English speaking City residents speak a shared language other than English. The Planning Department shall make this determination by

referring to the best available data from the United States Census Bureau or another reliable source and shall certify its determination to Departments and the Commission no later than December 1 of each year. Each Department shall determine annually whether 5 percent or more of those limited English speaking persons who use the Department's services citywide speak a shared language other than English. Departments shall make this determination using either of the following methods:

(1) Conducting an annual survey of all contacts with the public made by the Department during a period of at least two weeks, at a time of year in which the Department's public contacts are to the extent possible typical or representative of its contacts during the rest of the year, but before developing its annual compliance plan required by Section 91.9 of this Article; or

(2) Analyzing information collected during the Department's intake process. The information gathered using either method shall also be broken down by Covered Department Facility to determine whether 5 percent or more of those persons who use the Department's services at a Covered Department Facility are limited English speaking persons who speak a shared language other than English for purposes of Section 91.2(d) of this Article. Departments may not use any other method unless approved prior to its use by the Commission.

(k) "Tier 1 Departments" shall mean the following City departments: Adult Probation Department, Department of Elections, Department of Human Services, Department of Parking and Traffic, Department of Public Health, Department of Public Transportation, District Attorney's Office, Emergency Communications Department, Fire Department, Juvenile Probation Department, Police Department, Public Defender's Office, Department of Aging and Adult Services, Rent Stabilization and Arbitration Board, and Sheriff's Office.

(l) "Tier 2 Departments" shall mean all City departments not specified as Tier 1 Departments that furnish information or provide services directly to the public and consist of at least 30 full-time City employees. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001; amended by Ord. 187-04, File No. 040759, App. 7/22/2004)

SEC. 91.3. EQUAL ACCESS TO SERVICES.

(a) Utilizing sufficient Bilingual Employees in Public Contact Positions, Departments shall provide information and services to the public in each language spoken by a Substantial Number of Limited English Speaking Persons or to the public served by a Covered Department Facility in each language spoken by a Concentrated Number of Limited English Speaking Persons. Departments comply with their obligations under this Section if they provide the same level of service to Limited English Speaking Persons as they provide English speakers.

(b) Departments need only implement the hiring requirements in this ordinance by filling public contact positions made vacant by retirement or normal attrition. Nothing herein shall be construed to authorize the dismissal of any City employee in order to carry out this ordinance.

(c) This Article shall be interpreted and applied so as to be consistent with Title VII of the Civil Rights Act of 1964, California's Fair Employment and Housing Act, and Article X of the San Francisco Charter and so as not to impede or impair the City's obligations to comply with any court order or consent decree. (Added by Ord. 128-01, File No. 011051, App. 6/15/2001)

SEC. 91.4. TRANSLATION OF MATERIALS.

Tier 1 Departments shall translate the following written materials that provide vital information to the public about the Department's services or programs into the language(s) spoken by a Substantial Number of Limited English Speaking Persons: applications or forms to participate in a Department's program or activity or to receive its benefits or services; written notices of rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services, including the right to appeal any Department's decision; written tests that do not assess English language competency, but test competency for a particular license or skill for which knowledge of written English is not required; notices advising limited English-proficient persons of free language assistance; materials explaining a Department's services or programs; complaint forms; or any other written documents that have the potential for important consequences for an individual seeking services from or participating in a program of a city department.

(b) Tier 2 Departments shall translate all publicly-posted documents that provide information (1) regarding Department services or programs, or (2) affecting a person's rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services into the language(s) spoken by a Substantial Number of Limited English Speaking Persons.

(c) Departments required to translate materials under the provisions of this Section shall post notices in the public areas of their facilities in the relevant language(s) indicating that written materials in the language(s) and staff who speak the language(s) are available. The notices shall be posted prominently and shall be readily visible to the public.

(d) Departments required to translate materials under the provisions of this Section shall ensure that their translations are accurate and appropriate for the target audience. Translations should match literacy levels of the target audience.

(e) Each Department shall designate a staff member with responsibility for ensuring that all translations of the Department's written materials meet the accuracy and appropriateness standard set in Subsection (d) of this Section. Departments are encouraged to have their staff check the quality of written translations, but where a Department lacks biliterate personnel, the responsible staff member shall obtain quality checks from external translators. Departments are also encouraged to solicit feedback on the accuracy and appropriateness of translations from bilingual staff at community groups whose clients receive services from the Department.

(f) Departments shall comply with the requirements of this Section within one year of the enactment of this Article. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.5. DISSEMINATION OF TRANSLATED MATERIALS FROM THE STATE AND FEDERAL GOVERNMENT.

If the State or federal government or any agency thereof makes available to a Department written materials in a language other than English, the Department shall maintain an adequate stock of the translated materials and shall make them readily available to persons who use the Department's services. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.6. PUBLIC MEETINGS AND HEARINGS.

(a) City Boards, Commissions and Departments shall not be required to translate meeting notices, agendas, or minutes.

(b) Oral interpretation of any public meeting or hearing held by a City Board, Commission or Department shall be provided if requested at least 48 hours in advance of the meeting or hearing in question. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.7. RECORDED TELEPHONIC MESSAGES.

All Departments with recorded telephonic messages about the Department's operation or services shall maintain such messages in each language spoken by a Substantial Number of Limited English Speaking Persons or where applicable a Concentrated Number of Limited English Speaking Persons. Such Departments are encouraged to include in the telephonic messages information about business hours, office location(s), services offered and the means of accessing such services, and the availability of language assistance. If the Department is governed by a commission, the messages shall include the time, date, and place of the commission's meetings. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.8. COMPLAINT PROCEDURE.

(a) Departments shall allow persons to make complaints alleging violation of this Article to the Department in each language spoken by a Substantial Number of Limited English Speaking Persons. The complaints may be made by telephone or by completing a complaint form.

(b) Departments shall document actions taken to resolve each complaint and maintain copies of complaints and documentation of their resolution for a period of not less than 5 years. A copy of each complaint shall be forwarded to the Commission within 30 days of its receipt. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.9. COMPLIANCE PLANS.

(a) Each Department shall draft and file with the Commission an annual compliance plan. Each Department shall file its first plan within 90 days of the enactment of this Article to assess what actions the

Department needs to take to come into compliance. Thereafter, each Department shall file a plan by February 1 of each year.

(b) Each plan filed by a Department shall contain the following information:

(1) The number and percentage of limited English speaking persons who actually use the Department's services citywide, listed by language other than English, using either method in Section 91.2(j) of this Article;

(2) The number and percentage of limited English speaking residents of each District in which a Covered Department Facility is located and persons who use the services provided by a Covered Department Facility, listed by language other than English, using either method in Section 91.2(j) of this Article;

(3) The number of Public Contact Positions in the Department;

(4) The number of Bilingual Employees in Public Contact Positions, their titles, office locations, the language(s) other than English that the persons speak;

(5) A description of any use of telephone-based interpretation services, including the number of times such services were used and the language(s) for which they were used;

(6) A narrative assessment of the procedures used to facilitate communication with Limited English Speaking Persons, which shall include an assessment of the adequacy of the procedures;

(7) A numerical assessment of the additional Bilingual Employees in Public Contact Positions needed to meet the requirements of Section 91.3 of this Article;

(8) If assessments indicate a need for additional Bilingual Employees in Public Contact Positions to meet the requirements of Section 91.3 of this Article, a description of the Department's plan for filling the positions, including the number of estimated vacancies in Public Contact Positions;

(9) The name, title, and language(s) other than English spoken (if any) by the staff member designated with responsibility for ensuring the accuracy and appropriateness of translations for each language in which services must be provided under this Article;

(10) A list of the Department's written materials required to be translated under this Article, the language(s) into which they have been translated, and the persons who have reviewed the translated material for accuracy and appropriateness;

(11) A description of the Department's procedures for accepting and resolving complaints of an alleged violation of this Article;

(12) A copy of the written policies on providing services to Limited English Speaking Persons;

(13) A list of goals for the upcoming year and, for all plans except the first, an assessment of the Department's success at meeting last year's goals; and

(14) Any other information requested by the Commission necessary for the implementation of this Article. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.10. RECRUITMENT.

It shall be the policy of the City to publicize job openings for Departments' Public Contact Positions as widely as possible including, but not limited to, in ethnic and non-English language media. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.11. COMMISSION RESPONSIBILITIES.

The Commission shall be responsible for monitoring and facilitating compliance with this Article. Its duties shall include: conducting outreach to Limited English Speaking Persons about their rights under this Article; establishing and implementing a procedure to accept and investigate complaints alleging a violation of this Article; reviewing complaints about alleged violations of this Article forwarded from Departments; working with Departments to resolve complaints; maintaining copies of complaints and their resolution for not less than 8 years, organized by department; coordinating a language bank for Departments that choose to have translation done outside the Department and need assistance in obtaining translators; and reviewing compliance plans. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.12. RULES AND REGULATIONS.

In order to effectuate the terms of this Article, the Commission may adopt rules and regulations consistent with this Article. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.13. ENFORCEMENT.

If after an investigation and attempt to resolve an incidence of Department non-compliance, the Commission is unable to resolve the matter, it shall transmit a written finding of non-compliance, specifying the nature of the non-compliance, to the Department, the Department of Human Resources, the Mayor, and the Board of Supervisors. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

SEC. 91.14. SEVERABILITY.

If any of the provisions of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Article are severable. (Added by Ord. 126-01, File No. 010409, App. 6/15/2001)

CHAPTER 92: REAL ESTATE LOAN COUNSELING AND EDUCATION

CHAPTER 92: REAL ESTATE LOAN COUNSELING AND EDUCATION

Sec. 92.1. Findings and Purpose.
Sec. 92.2. Pilot Consumer Loan Education Program.
Sec. 92.3. Pilot Consumer Loan Counseling Program.
Sec. 92.4. Report to Board.

SEC. 92.1. FINDINGS AND PURPOSE.

This Board makes the following findings:

1. Many San Franciscans, particularly poor, elderly, and minority residents, have expressed concern and apprehension regarding home lenders who aggressively market high-cost home loans in their neighborhoods and who may engage in unfair or fraudulent credit practices with the potential to destroy financial resources based on home equity.

2. The HUD Treasury Task Force on Predatory Lending, in its report entitled "Curbing Predatory Home Mortgage Lending" (the "HUD/Treasury report"), has documented and analyzed the problem of predatory lending in home mortgage lending. The HUD/Treasury report identified the four major predatory practices occurring in the sub-prime lending market as "loan flipping" (successive refinancing with added fees and prepayment penalties), "packing" (unjustifiably high fees and hidden fees), "asset based lending" (lending without regard for the borrower's ability to pay) and outright fraud and abuse. The burden of these practices fall predominantly on minorities, women and the elderly in minority or low-income neighborhoods without access to mainstream sources of credit.

3. The HUD/Treasury report found that consumer literacy and disclosure would assist borrowers in avoiding predatory practices and recommended expanded access to consumer loan counseling.

4. The State legislature recently passed AB 489, adding Division 1.6 to the Financial Code, and imposing requirements on consumer loans secured by real property. AB 489 prohibits various practices associated with predatory lending and provides civil penalties for violations.

5. State and federal regulation of real estate lenders and loans, in combination with legally mandated loan disclosure requirements are insufficient to provide protection of targeted communities against the abuses of predatory lenders. The Board finds that a consumer counseling and education program at the local level is the most effective way to provide consumer protection against predatory lending practices within the City and County of San Francisco.

6. The Department of Aging and Adult Services currently provides assistance to victims of predatory lending practices in San Francisco. The Department works with nonprofit and other organizations involved in predatory lending counseling and education programs, but has no mandate or funding to develop its own program for these vitally needed services. (Added by Ord. 50-02, File No. 012004, App. 4/26/2002)

SEC. 92.2. PILOT CONSUMER LOAN EDUCATION PROGRAM.

A. The Department of Adult and Aging Services shall develop and commence a one-year program to educate San Franciscans about predatory loan practices and to prevent sub-prime lenders from targeting low-income neighborhoods for predatory loans. All City Departments shall cooperate with and assist the Department of Adult and Aging Services in developing and administering the consumer loan education program.

B. The program shall, at a minimum:

1. Provide a clear definition of predatory lending and an easy to understand explanation of predatory lending practices in selected educational materials.

2. Provide and distribute educational materials and training on consumer loans secured by real

property. All education materials and training sessions shall be available in multiple languages, consistent with the San Francisco population base.

3. Specify interest rate, fee and point triggers to assist consumers in identifying high cost loans.

4. Distribute consumer information and telephone referral numbers of governmental and nonprofit agencies which provide assistance to victims of predatory loan practices. Information shall be provided to San Francisco residents through mailed brochures in property tax bills, postcards, public service announcements and cooperation with local nonprofit organizations and community groups to organize seminars on predatory lending.

C. The Department may provide consumer loan educational services using City personnel, cooperating nonprofit organizations and institutions, consultants and contractors, or any combination of these resources in an effort to reach a citywide audience. (Added by Ord. 50-02, File No. 012004, App. 4/26/2002)

SEC. 92.3. PILOT CONSUMER LOAN COUNSELING PROGRAM.

A. The Department of Adult and Aging Services shall commence a one-year program to provide free or low-cost financial counseling to individuals with outstanding loans and individuals who apply for loans secured by their residence property located in San Francisco. Financial counseling shall include:

1. Review of loan documents and an explanation of all terms and conditions of a consumer loan.

2. An explanation of consumer rights under state and federal laws which regulate loan practices, verification that all loan documents have been supplied, and that all required disclosures are complete.

B. The Department shall not make personal financial assessments for individuals, recommend particular lenders, or provide legal advice. The Department may provide consumer loan counseling services using City personnel, cooperating nonprofit organizations and institutions, consultants and contractors, or any combination of these resources in an effort to reach a citywide audience. All City Departments shall cooperate with and assist the Department of Adult and Aging Services in developing and administering the consumer loan counseling program. (Added by Ord. 50-02, File No. 012004, App. 4/26/2002)

SEC. 92.4. REPORT TO BOARD.

At the conclusion of the pilot program the Department of Aging and Adult Services shall provide the Board with a report on the effectiveness of consumer education and counseling on curbing predatory lending practices. The report shall include:

A. A summary of local consumer loan practices which the Department considers to represent predatory and harmful to San Francisco consumers.

B. A survey of the neighborhoods where predatory or potentially predatory practices are most prevalent, including information on targeted loan advertising in those neighborhoods.

C. A survey of the consumers subjected to predatory practices, including data on neighborhood, age, race, income, and other factors common to the sub-prime loan applicant and borrower pool in San Francisco.

D. A report on additional steps that the City can take to curb predatory lending practices in San Francisco. (Added by Ord. 50-02, File No. 012004, App. 4/26/2002)

[The next page is number 1631.]

CHAPTER 93: [RESERVED]

[The next page is number 1641.]

CHAPTER 94: [RESERVED]

[The next page is number 1651.]

CHAPTER 95: IDENTIFICATION CARDS

CHAPTER 95: IDENTIFICATION CARDS

Sec. 95.1. Identification cards.

SEC. 95. 1. IDENTIFICATION CARDS.

(a) When requiring members of the public to provide identification, each City department shall accept as valid identification of the person a photo identification card issued by another country to its citizens or nationals, if the card meets the following requirements:

(i) The issuing country authorizes the use of the card as an alternative to a passport for re-entry into the issuing country; and

(ii) The card has a photograph of the person and the person's date of birth; and

(iii) The card meets standards established by the Director of the Department of Administrative Services ("Director") to ensure that (1) the applicant was required to provide reliable identifying information in order to obtain the card and (2) the card has features reasonably designed to protect against fraud and counterfeit reproduction.

(b) The Director shall compile and make readily available to City departments a list of the identification cards and the issuing countries that the Director has determined meet the requirements of this Section. Any City department and any member of the public may request the Director to review an identification card for compliance with the requirements of this Section.

(c) The Director may issue a waiver from the requirements of this Section based on security considerations.

(d) The requirements of this Section do not apply under circumstances where (1) a federal or state statute, administrative regulation or directive, or court decision requires the City to obtain different identification, (2) a federal or state statute or administrative regulation or directive preempts local regulation of identification requirements, or (3) the City would be unable to comply with a condition imposed by funding source, which would cause the city to lose funds from that source.

(e) Nothing in this Section is intended to prohibit City departments from (1) asking for additional information from individuals in order to verify a current address or other facts that would enable the department to fulfill its responsibilities, except that this Subsection does not permit the department to require additional information in order to establish identification of the person, or (2) using fingerprints for identification purposes under circumstances where the department also requires fingerprints from persons who have a driver's license or State identification card.

(f) No City department is required to accept the identification required by this Section if it has reasonable grounds for determining that the identification card provided by an individual is counterfeit, altered, improperly issued to the card-holder, or otherwise not accurate identification.

(g) The head of each department shall issue appropriate notification and instruction to members of the department of the requirements of this Section. If any person believes that any officer or employee of the City has failed to comply with the requirements of this Section, the person may file a complaint with the Director. The Director shall investigate the complaint and shall report the findings to the appropriate department head. The Director shall make annual reports to the Board of Supervisors of the number of complaints received and the outcome of the investigations.

(h) Where there is a conflict between this Section and any provision of a City ordinance or implementing regulation in effect at the time that this Section is approved, the provisions of this Section shall prevail.

(i) In undertaking the adoption and enforcement of this ordinance, the City and County is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(j) If any part or provision of this Section, or the application thereof to any person or circumstance, is held invalid, the remainder of this Section, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Section are severable. (Added by Ord. 21-02, File No. 012187, App. 2/22/2002)

CHAPTER 96: COORDINATION BETWEEN THE POLICE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS

CHAPTER 96: COORDINATION BETWEEN THE POLICE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS

Sec. 96.1.	Definitions.
Sec. 96.2.	Reporting on Status of Sustained Complaints.
Sec. 96.3.	Disclosure of Documents to OCC.
Sec. 96.4.	Notice to OCC of Proposed Action.
Sec. 96.5.	Guidelines for Failure to Comply.
Sec. 96.6.	Subpoena Power.
Sec. 96.7.	Notification to Claimants in Police Matters.
Sec. 96.8.	Training Requirements for Police Commissioners and Police Officers.
Sec. 96.9.	Protection of Peace Officer Privacy.
Sec. 96.10.	Noncompliance as not Invalidating Discipline.
Sec. 96.11.	Severability.

SEC. 96.1. DEFINITIONS.

(a) "Chief of Police" shall mean the Chief of the Police Department or his or her designee.

(b) "OCC" shall mean the Office of Citizen Complaints.

(c) "Sustained complaint" shall mean a determination by the Office of Citizen Complaints that a preponderance of the evidence proves that the misconduct or failure to perform a duty complained of did occur. (Added by Ord. 244-03, File No. 031401, App. 10/17/2003)

SEC. 96.2. REPORTING ON STATUS OF SUSTAINED COMPLAINTS.

(a) The Chief of Police shall report in writing to the OCC and the Police Commission not less than once per month on the status of all sustained complaints the OCC has transmitted to the Police Department for review and determination of appropriate action.

(b) (1) For each sustained complaint for which the Chief of Police has not issued a decision on the discipline to be imposed, if any, the report shall set forth the number of the complaint, the date the complaint was filed with the OCC, the date on which the OCC transmitted the complaint to the Police Department, the type of complaint, a summary of the OCC's findings, the current status of the complaint within the Police Department, the date by which the Chief of Police expects to issue a decision, and any other information the Commission may direct. The report shall be a public record, and shall be posted on the website of the Police Commission.

(2) In any instance where the OCC sustains a complaint and transmits it to the Police Department with a recommendation that discipline be imposed, and the Chief of Police has failed to act within 45 days from the date of transmittal, the secretary to the Police Commission shall place the sustained complaint on the agenda for the next regularly scheduled meeting of the Police Commission, consistent with applicable laws governing notice of public meetings. At this meeting, the Police Commission shall inquire into the status of the complaint and any reasons for the delay on the part of the Chief of Police. The Commission shall require that the Chief of Police provide an explanation for the delay in acting upon the complaint, and shall impose a deadline not to exceed 14 calendar days from the date of the meeting by which the Chief of Police shall act on the complaint, unless the Police Commission finds good cause for a reasonable extension in excess of 14 calendar days, and the Chief of Police establishes that such additional delay will not preclude the imposition of discipline pursuant to California Government Code Section 3304.

(3) At the first Commission meeting following passage of the deadline, the Chief of Police shall report to the Commission on the status of the complaint. If the Chief of Police has failed to take final action on the complaint, the secretary to the Police

Commission shall send written notice to the Mayor and the Board of Supervisors of the Chief's failure to act. For each complaint on which the Chief of Police has failed to act, the notice of inaction shall state the number of the complaint, the date the complaint was filed with the OCC, the date on which the OCC transmitted the complaint to the Police Department, the type of complaint, and a summary of the OCC's findings.

(c) For each sustained complaint for which the Chief of Police has issued a decision on the discipline to be imposed, if any, the report shall set forth the number of the complaint, the date the complaint was filed with the OCC, the date on which the OCC transmitted the complaint to the Police Department, the type of complaint, a summary of the OCC's findings, the date on which the Chief of Police issued a decision, the discipline imposed, if any, and the date of any discipline imposed.

(d) The Police Commission shall hold a public hearing at least once every quarter to consider the status of all sustained complaints awaiting action by the Police Department. The Commission shall submit a report to the Mayor and the Board of Supervisors within 30 days from the date of the hearing setting forth the number of each complaint, the date each complaint was filed with the OCC, the date on which the OCC transmitted the complaint to the Police Department, the type of complaint, a summary of the OCC's findings, and the current status of the complaint within the Police Department. (Added by Ord. 244-03, File No. 031401, App. 10/17/2003)

SEC. 96.3. DISCLOSURE OF DOCUMENTS TO OCC.

(a) In accordance with the obligation of the Police Department and members of the uniformed ranks under Charter Section 4.127 to provide prompt and full cooperation and assistance in connection with complaints being investigated by the OCC, the Police Department shall promptly disclose all documents and records requested by the OCC except where disclosure to the OCC is prohibited by law. Unless (i) the Police Department and the OCC mutually agree in writing to an alternative deadline(s), or (ii) the Police Commission, by a two-thirds vote, establishes an alternative deadline(s) not to exceed ten business days, the Police Department shall disclose all such documents within five business days from the date of OCC's request.

(b) Unless the Police Department and the OCC have mutually agreed in writing to alternative procedures, where the Police Department intends to withhold a document or record from being disclosed to the OCC, the following procedures shall apply:

(1) Within five business days of the receipt of OCC's request, the Police Department shall notify the OCC in writing of the proposed objection. Both the Police Department and the OCC shall submit written requests to the City Attorney for a determination of whether disclosure of the document or record to OCC is prohibited by law. The City Attorney shall respond to the requests within five City business days of receiving the requests, unless the City Attorney notifies the Police Department and OCC that due to the complexity of the legal issues presented, more time is required to respond.

(2) Within two business days of receiving the City Attorney's response, the Police Department shall either transmit the requested documents or records to the OCC or notify the OCC that it does not intend to comply with the OCC's request. Where the Police Department declines to disclose the documents or records, the Department and the OCC shall meet and confer within three business days of the Department's notice to the OCC to discuss resolving the objection. The time for the meeting may be extended by mutual agreement of the Police Department and the OCC.

(3) If the Police Department and the OCC have been unable to reach agreement concerning disclosure of the documents or records within five calendar days from the date of the meet and confer, the OCC shall notify the secretary to the Police Commission, who shall calendar the question of disclosure for hearing before the Police Commission at the next regularly scheduled meeting of the Commission, consistent with applicable laws governing public notice of meetings. The Police Commission shall inquire into the dispute. Unless the Police Commission determines based on the advice of counsel that the law prohibits the Police Department from releasing the requested document or record to the OCC, the Commission shall order the Chief of Police to disclose the requested document or record to the OCC within two business days unless at the meeting the Commission: (i) determines that

unusual circumstances warrant a longer deadline; (ii) explains the basis for that determination; and (iii) sets a different deadline. (Added by Ord. 244-03, File No. 031401, App. 10/17/2003)

SEC. 96.4. NOTICE TO OCC OF PROPOSED ACTION.

Whenever the Chief of Police proposes to act on a complaint sustained by the OCC and the proposed action is not consistent with the OCC's recommendation to refer the matter to the Police Commission for discipline because the Chief of Police is proposing either a suspension of ten days or less, or no discipline, the Chief of Police shall, prior to taking action, notify the OCC in writing of the proposed action, and shall meet and confer with the OCC Director within five business days of the written notice to resolve the disagreement over the appropriate discipline. Where the OCC and the Chief of Police are unable to reach agreement on the appropriate discipline, the OCC and the Chief of Police shall send written notice to the Police Commission identifying the sustained complaint and describing the disagreement. This notice shall be a part of the Director's Report at the next Commission meeting, consistent with applicable laws governing public notice of meetings. (Added by Ord. 244-03, File No. 031401, App. 10/17/2003)

SEC. 96.5. GUIDELINES FOR FAILURE TO COMPLY.

Not later than 90 days from the effective date of this Chapter, the Police Commission shall promulgate guidelines for penalties to be imposed against an officer in instances where a police officer, including an officer functioning in an administrative or supervisory role, fails to produce documents or records in accordance with this Chapter, or fails to comply with the duty imposed by Charter Section 4.127 to cooperate with and assist the OCC. The Police Commission shall transmit a copy of the guidelines to the Board of Supervisors. (Added by Ord. 244-03, File No. 031401, App. 10/17/2003)

SEC. 96.6. SUBPOENA POWER.

The Director of the OCC shall have the authority to subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of books, papers, records or other items relevant to investigations under the jurisdiction of the OCC. This subpoena power shall not extend to departments, officers or employees of the City who are obligated to provide prompt and full cooperation to the OCC pursuant to Charter Section 4.127. (Added by Ord. 244-03, File No. 031401, App. 10/17/2003)

SEC. 96.7. NOTIFICATION TO CLAIMANTS IN POLICE MATTERS.

When the City receives a claim alleging improper conduct by a police officer, other than a claim seeking only damages for damage to property resulting from the operation of a Police Department vehicle, the City Attorney shall send the claimant a notice that describes the OCC's role in investigating complaints of police officer misconduct, and includes information on how to contact the OCC. (Added by Ord. 244-03, File No. 031401, App. 10/17/2003)

SEC. 96.8. TRAINING REQUIREMENTS FOR POLICE COMMISSIONERS AND POLICE OFFICERS.

(a) The Police Commission shall provide, and each commissioner shall attend within six months of appointment, training provided by experts in the state and local laws and Police Department policies governing public safety officer discipline. This training shall include instruction in OCC's process and procedures for investigating citizen complaints, and shall be not less than three hours in length.

(b) Following the effective date of this Chapter, the Police Department shall include a written summary in the training materials provided to police officer trainees of the requirements of Chapter 1 of the San Francisco Campaign and Governmental Conduct Code, entitled "Reporting Improper Government Activity; Protection of Whistleblowers," as amended from time to time. The summary required by this paragraph shall be approved by the City Attorney. (Added by Ord. 244-03, File No. 031401, App. 10/17/2003)

SEC. 96.9. PROTECTION OF PEACE OFFICER PRIVACY.

Nothing in this Chapter shall be construed to require the disclosure of any information the disclosure of which would constitute a violation of a peace officer's privacy interests under the California Constitution, California Penal Code Sections 830 et seq., or California Government Code Sections 3300 et seq. (the Public Safety Officers Procedural Bill of Rights). (Added by Ord. 244-03, File No. 031401, App. 10/17/2003)

SEC. 96.10. NONCOMPLIANCE AS NOT INVALIDATING DISCIPLINE.

The failure of the Chief of Police or the OCC to follow the requirements of this Chapter shall not constitute a basis for invalidating a decision by the Chief of Police or the Police Commission to impose discipline. (Added by Ord. 244-03, File No. 031401, App. 10/17/2003)

SEC. 96.11. SEVERABILITY.

If any provision, subdivision, section, paragraph, phrase or clause of this Chapter or the application thereof is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Chapter. The remainder of this Chapter shall remain effective and enforceable to the fullest extent allowed by law. All clauses and provisions of this Chapter are hereby declared to be severable. (Added by Ord. 244-03, File No. 031401, App. 10/17/2003)

CHAPTER 97: HEALTHCARE IMPACT REPORTS

CHAPTER 97: HEALTHCARE IMPACT REPORTS

Sec. 97.1.	Findings and Purpose.
Sec. 97.2.	Definitions.
Sec. 97.3.	Preparation and Consideration of Healthcare Impact Reports.
Sec. 97.4.	Cost of Report.

SEC. 97.1. FINDINGS AND PURPOSE.

The Board makes the following findings.

A. The cost of healthcare continues to increase, making it harder for people to obtain the proper care they need.

B. The City and County of San Francisco's financial resources are strained and healthcare services the City now provides are either being cut or are at risk of being cut.

C. Section 4.110 of the Charter of the City and County of San Francisco provides that the Health Department and Health Commission shall provide for the preservation, promotion and protection of the physical and mental health of the inhabitants of the City and County of San Francisco.

D. Section 127340(a) of the California Health and Safety Code provides that "private not-for-profit hospitals meet certain needs of their communities through the provision of essential healthcare and other services. Public recognition of their unique status has led to favorable tax treatment by the government. In exchange, nonprofit hospitals assume a social obligation to provide community benefits in the public interest."

E. Due to their size, larger non-government healthcare providers have significant impact on the health of the people of the City and County of San Francisco. Therefore such providers have a responsibility to work along with government healthcare agencies and facilities to maintain the health of the communities they serve. (Added by Ord. 224-04, File No. 041072, App. 8/25/2004)

SEC. 97.2. DEFINITIONS.

The words and phrases as used in this Section and for the purposes of this Section, unless a different meaning is plainly required by context, shall have the meaning respectively ascribed to them in Section 97.2.

A. "Applicant Hospital" shall mean a private, non-governmental hospital that provides more than a forty (40) percent, or which is part of a hospital system that provides more than forty (40) percent, of the healthcare services provided by private, non-governmental hospitals in the City and County of San Francisco in any of the following categories, as defined in the *Accounting and Reporting Manual for California Hospitals* published by the Office of Statewide Health Planning and Development ("OSHPD") and as reported in the most recent OSHPD Hospital Annual Disclosure Reports available upon review of the hospital's permit application or other request for approval filed with an agency or department of the City and County of San Francisco or with the San Francisco Redevelopment Agency: licensed hospital beds, available licensed hospital beds, staffed licensed hospital beds, total patient days, or total discharges.

B. "Healthcare Impact Report" shall mean a document that analyzes the effects of the Applicant Hospital's proposed facility changes on the availability of hospital services, including but not limited to, emergency services, urgent care services, and behavioral health services to affected neighborhoods. The Healthcare Impact Report shall examine the accessibility of services to patients using all modes of transportation. Furthermore, the Healthcare Impact Report shall analyze the Applicant Hospital's current performance in the following areas and compare it with that of other private, non-governmental hospitals in the City and County of San Francisco:

1. Charitable Care: The amount of charitable care provided by the Applicant Hospital as defined in the San Francisco Health Code, Article 3, Section 130(b), and expressed as a percentage of net patient revenue.

2. Price of Care: The fees charged by the Applicant Hospital for a standardized set of hospital services, prescription and nonprescription drugs, medical supplies, and medical equipment. The standardized set of hospital services, shall be established by the Health Department and shall incorporate any data reported in charge description masters recorded pursuant to California Health and Safety Code, Sections 1339.50—1339.59.

3. Caregiver Training, Education, and Development: The programs and financial support made available by the Applicant Hospital for caregiver training, education, and development. (Added by Ord. 224-04, File No. 041072, App. 8/25/2004)

SEC. 97.3. PREPARATION AND CONSIDERATION OF HEALTHCARE IMPACT REPORTS.

A. When an Applicant Hospital files a permit application or other request for approval with an agency or department of the City and County of San Francisco seeking approval for land use or construction activities involving the replacement or addition of more than two hundred (200) licensed hospital beds, the Health Department of the City and County of San Francisco shall prepare a Healthcare Impact Report. The Health Department shall make reasonable efforts to consult with the Applicant Hospital, as the Health Department deems necessary.

B. When an Applicant Hospital files a permit application or other request for approval with the San Francisco Redevelopment Agency seeking approval for land use construction activities involving the replacement or addition of more than two hundred (200) licensed hospital beds, and said application or request ultimately requires approval of an amendment to a Redevelopment Plan by the San Francisco Board of Supervisors or an agency or department of the City and County of San Francisco, the Health Department of the City and County of San Francisco shall prepare a Healthcare Impact Report. The Health Department shall make reasonable efforts to consult with the Applicant Hospital, as the Health Department deems necessary.

C. Upon completing the Healthcare Impact Report, the Health Department shall distribute it to the Health Commission, the Planning Commission, the Board of Supervisors and other City departments or agencies it deems appropriate. The Health Department shall complete and distribute the Healthcare Impact Report within six (6) months of being notified of the need for the report. If the Health Department does not complete and distribute the Healthcare Impact Report within that timeframe, Sections 97.3 (D, E, F) and 97.4 shall not apply.

D. A permit application or other request for approval with an agency or department of the City and Count of San Francisco seeking approval for land use or construction activities involving the replacement or addition of more than two hundred (200) licensed hospital beds shall not be considered complete until the Healthcare Impact Report is completed and distributed as described in this Section.

E. The Board of Supervisors or an agency or department of the City and County of San Francisco shall not approve an amendment to a Redevelopment Plan until it has received and reviewed a Healthcare Impact Report, when such a Healthcare Impact Report is required under this Section.

F. The Board of Supervisors, Planning Commission, Health Commission, and any other City departments or agencies provided with the Healthcare Impact Report by the Health Department shall review and consider the Healthcare Impact Report and use the comparisons therein as a criterion for determining whether or not to enact any legislation, grant any approval, or make any recommendations regarding amending a Redevelopment Plan or allowing or enabling the Applicant Hospital to replace or add more than two hundred (200) licensed hospital beds by building a new or retrofitting or remodeling an existing facility or structure in the City and County of San Francisco. (Added by Ord. 224-04, File No. 041072, App. 8/25/2004)

SEC. 97.4. COST OF REPORT.

The Health Department may charge and collect from the Applicant Hospital a fee for the preparation of the Healthcare Impact Report in an amount that does not exceed the actual cost of preparing the Healthcare Impact Report. The Health Department shall make reasonable efforts to use all data sources available in order to minimize costs. (Added by Ord. 224-04, File No. 041072, App. 8/25/2004)

APPENDICES: INITIATIVE ORDINANCES

INITIATIVE ORDINANCES

Voter approved ordinances which may not be amended except by the voters.

Editor's note:

Appendices 1 through 33 were formerly published as Appendix A through Appendix AG. To facilitate the addition of future voter initiatives, the appendices have been renumbered in the identical sequence in which they were formerly published.

Appendix

1	Refuse Collection and Disposal	November 1932*
2	Street Railway Cars	May 1935*
3	Fresh Meat	November 1968
4	Repealed	*
5	Street Artists	November 1975*
6	Taxicabs And Other Motor Vehicles For Hire	June 1978
7	Nonprofit Garage Corporations	June 1980
8	Smoking Pollution Control	November 1983
9	Jail Cost Reimbursement	June 1984
10	Park Shadow Ban	June 1984
11	Compensated Advocacy and Officeholder Accounts	June 1986*
12	Planning Initiative	November 1986*
13	Oil Development Moratorium	November 1986
14	Polytechnic High Rezoning	June 1987
15	Executive Park	June 1987
16	Residential Utility Tax	November 1987
17	Health Care Community Service	November 1988
18	U.S.S. Missouri Homeporting	November 1988
19	Neighborhood Beautification and Graffiti Cleanup Fund Option	June 1990
20	Waterfront Land Use	November 1990
21	Recognition of Domestic Partnerships	November 1990
22	Prohibiting Harassing or Hounding Solicitation	November 1992
23	Geary Boulevard/Divisadero Street Special Use District	November 1992
23A	Residential Rent Stabilization and Arbitration Ordinance	November 1992
24	Reforming General Assistance Program	November 1993
25	Loitering At or Near Cash Dispensing Machines Prohibited	June 1994
26	Rent Control	November 1994
27	Official Newspapers	November 1994
28	Elections Task Force	November 1994
29	General Assistance Payments	November 1994
30	Ferry Building and Pier 52	November 1994
31	Neighborhood Crime Prevention	November 1994
32	Municipal Railway Audit	November 1995
33	Campaign Finance Reform	November 1995*
34.	Northeast China Basin Special Use District	March 1996
35.	Candlestick Point Special Use District	June 1997
36.	Sale of Land at the Top of Mt. Davidson Park	November 1997
37.	Regulation of Campaign Consultants	November 1997

38.	Providing for the Use of City Hall for City Governmental Business and Not for an Entertainment Center	June 1998
39.	Water Consumption and Sewer Service Rates, Fees and Charges	June 1998
40.	Citizens' Right-to-know Act of 1988	June 1998
41.	Golden Gate Park Revitalization-Act of 1988	June 1998
42.	The Central Freeway Replacement Project Act of 1998	November 1998
43.	Stadium Operator Admission Tax	November 1998
44.	Residential Rent Stabilization and Arbitration	November 1998
45.	Hotel Tax Surcharge	November 1998
46.	Downtown Caltrain Station	November 1999
47.	The Sunshine Ordinance of 1999	November 1999
48.	Octavia Boulevard Plan	November 1999
49.	Campaign Expenditure Limit	November 1999
50.	Landlord/Renters Costs	November 2000
51.	Taxpayer Protection Amendment of 2000	November 2000
52.	Public Financing for Supervisorial Election Campaigns	November 2000
53.	San Francisco Community College District General Obligation Bonds	November 2001
54.	Solar Energy Revenue Bond	November 2001
55.	Citizens' General Obligation Bond Oversight Committee	March 2002
56.	General Advertising Signs	March 2002
57.	Water and Sewer Rates, Surplus Funds	November 2002
58.	Entertainment Commission Appointments	November 2002
59.	Elections Assistance	November 2002
60.	Police and Firefighter Retirement Benefits	November 2002
61.	Paid Parental Leave	November 2002
62.	Supervisors Salaries	November 2002
63.	Adjusting Services and Payments to Homeless Individuals	November 2002
64.	Revenue Bond Oversight Committee	November 2002
65.	Use of City Funds	November 2002
66.	Child Care for Low Income Families	November 2003
67.	Sales Tax for Transportation	November 2003
68.	Minimum Wage	November 2003
69.	Aggressive Solicitation Ban	November 2003
70.	Replacement of Diesel Buses	March 2004
71.	Naming the Stadium at Candlestick Point	November 2004
72.	Economic Analysis of Legislation	November 2004

*The ordinance in Appendix 1 was amended in 1946, 1954 and 1960, the ordinance in Appendix 2 was amended in 1954, the ordinance in Appendix 5 was amended in November 1983, the Ordinance in Appendix 11 was amended in November 1993, and the ordinance in Appendix 12 was amended in June 1987. Appendix 4 was repealed in November 1975. Appendix 33 was amended in November 1999.

APPENDIX 1: REFUSE COLLECTION AND DISPOSAL ORDINANCE

Adopted November 8, 1932

Providing for the Collection and Disposition of Refuse in the City and County of San Francisco; Providing for the Licensing of Refuse Collectors by the Director of Public Health; Fixing the Maximum Rates or Charges for the Collection of Refuse by Licensed Refuse Collectors from Homes, Apartment Houses, Stores, etc.; Dividing City and County of San Francisco into Collection Routes; Providing Penalties for the Violation of the Provisions of this Ordinance.

Be it Ordained by the People of the City and County of San Francisco:

SECTION 1.

The term "refuse" as used in this ordinance shall be taken to mean all waste and discarded materials from dwelling places, households, apartment houses, stores, office buildings, restaurants, hotels, institutions and all commercial establishments, including waste or discarded food, animal and vegetable matter from all kitchens thereof, waste paper, cans, glass, ashes, and boxes and cuttings from trees, lawns and gardens. Refuse as used herein does not include debris and waste construction materials, including wood, brick, plaster, glass, cement, wire, and other ferrous materials, derived from the construction of or the partial or total demolition of buildings or other structures.

SECTION 2.

It shall be unlawful for any person, firm or corporation to dispose of refuse as defined in this ordinance except as herein provided, save that the provisions of this ordinance shall not include refuse which may be incinerated by an owner of a building for himself or for his tenants on the premises where produced; provided, however, that such incineration shall be subject to inspection and control by the Director of Public Health and the Fire Department. Failure of any householder producing refuse to subscribe to and pay for refuse collection, unless such householder is a tenant for whom refuse collection service is provided by his landlord, shall be prima facie evidence that such householder is disposing of refuse in violation of this ordinance.

SECTION 3.

Refuse consisting of waste or dis-carded food, animal and vegetable matter, discarded containers of food, animal and vegetable matter and ashes shall be collected and placed in suitable metal cans of such capacity as the Director of Public Works may prescribe (but not to exceed 32 gallons in the case of a can serving one single family dwelling unit) by the producer or landlord who by reason of contract or lease with an occupant is obligated to care for such refuse, for collection by a refuse collector to be disposed of as herein provided. Waste paper and boxes and other refuse materials not subject to putrefaction or decay, and cuttings from trees, lawns and gardens may be placed in any suitable container and delivered by the producer or landlord, who by reason of contract or lease with the occupant is obligated to care for such refuse and deliver same to a refuse collector, to be disposed of as herein provided; provided, however, that it shall be optional with the producer or landlord to deliver waste paper or other refuse having commercial value to a refuse collector, and the producer or landlord may dispose of the same in any manner he may see fit. Refuse, which under the provisions hereof must be deposited in a metal can of suitable capacity, shall be removed daily from the place where the same is created.

SECTION 4.

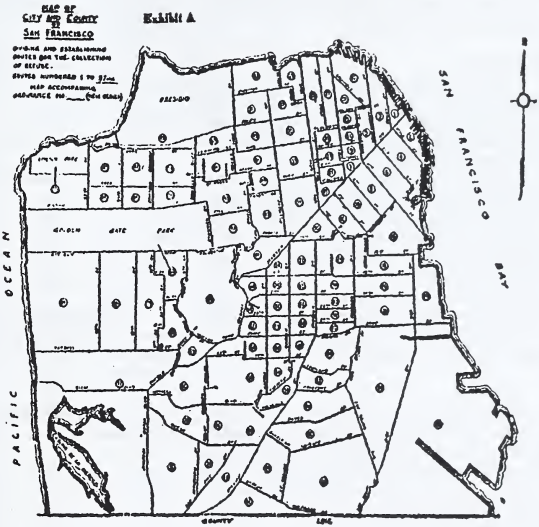
It shall be unlawful for any person, firm or corporation, other than a refuse collector licensed by the Director of Public Health as in this ordinance

provided, to transport through the streets of the City and County of San Francisco any refuse as in this ordinance defined, or to collect or to dispose of the same, except waste paper, or other refuse having a commercial value. It is provided, however, that a license for a refuse collector, as provided in Section 8 hereof, shall be distinguished from a permit to operate, in the City and County of San Francisco on a certain designated route, as hereinafter provided.

Upon the conviction of any person, firm or corporation for any violation of the provisions of this ordinance, the permit of such person, firm or corporation issued under the provisions of this ordinance, shall be forthwith and immediately terminated and canceled as of the date of conviction.

The City and County of San Francisco is herewith divided and established into routes for the collection of refuse, as designated on a map of the City and County of San Francisco, attached hereto, each said route to include only the side of the street or streets bounding each route as designated by a number on said map, said routes being numbered one to ninety-seven, inclusive, and said map and said routes are marked Exhibit A, and attached hereto and made a part of this ordinance.

Any person, firm or corporation desiring to transport through the streets of the City and County of San Francisco, any refuse as herein defined, or to collect or dispose of the same, shall make application to the Director of Public Health for permission so to do. Said application for such permit shall contain the name of the person, firm or corporation, any of the particular route or routes, designated in said map of routes, proposed to be served by said person, firm or corporation, and a statement that said person, firm or corporation will abide by all the provisions of this ordinance, and will not charge a greater rate for the collection and disposition of said refuse than that fixed in or pursuant to this ordinance.



The Director of Public Health shall grant a permit to such applicant unless the route proposed is already adequately served by a licensed refuse collector. An application for a permit must be granted, however, by the said Director of Public Health, and it is mandatory on said director to grant the same, when it shall appear to any said application for a route or routes by a person, firm or corporation, that 20 percent or more of the householders, business men, apartment house owners, hotel keepers, institutions or residents in said route or routes, using refuse service, and paying for same, or obligated to do so, have signed a petition or contract in which they have stated that they are inadequately served by any refuse collector who is then collecting refuse on said route, provided that said director finds upon substantial evidence that such statement is correct. That inadequate service is hereby defined as the failure, on the part of any refuse collector to properly collect, handle or transport refuse on said route, or the overcharging for the collection of same, or insolence towards persons whose refuse has been collected, or the collection by any refuse collector whose license has been revoked as provided in Section 9 hereof. Such permit so granted by the Director of Public Health shall not be exclusive, however, and one or more persons, firms or corporations may be given a permit to collect on the same route.

Persons, firms or corporations desiring to transport through the streets of the City and County of

San Francisco only waste paper or other refuse having a commercial value, and to collect and dispose of same need not obtain a permit therefor under the provisions of this ordinance.

SECTION 5

Refuse collected by refuse collectors shall be disposed of by such persons, firms or corporations and in such manner or by such method or methods as from time to time designated by the Board of Supervisors of the City and County of San Francisco.

Until and unless changed in the manner herein provided, the maximum rate or charge for the disposal of refuse to be charged the refuse collector by any person, firm or corporation authorized by the Board of Supervisors to dispose of refuse shall be $1.50 per ton. Such rate or charge may, from time to time, be adjusted in the same manner, and in accordance with the same procedures, as is provided for the adjustment of rates and charges for the collection of refuse in Section 6(a) of this ordinance.

Section 6.

(a) Until and unless changed in the manner hereinafter set forth, the maximum rates or charges for the collection and disposition of refuse as herein defined, by refuse collectors, from residences, flats and apartment houses of not more than 600 rooms, and the regulations relating to such rates or charges, shall be as follows:

Rate Schedules

Monthly rates from residences and flats for one container of not exceeding 32 gallons. Made from the ground floor:

	Collections Per Week			
No. Rooms	**1.**	**2.**	**3.**	**4.**
1 to 4	$.80	$1.20	$1.35	$1.50
5	.85	1.25	1.40	1.55
6	.85	1.25	1.40	1.55
7	.95	1.35	1.50	1.70
8	1.00	1.50	1.70	1.80
9	1.00	1.50	1.70	1.80
10	1.00	1.50	1.70	1.80
11	1.00	1.50	1.70	1.80
12	1.00	1.50	1.70	1.80

Monthly rates from residences and flats for one container of not exceeding 32 gallons. Made from second floor, one stairway above ground floor or basement:

	Collections Per Week			
No. Rooms	**1.**	**2.**	**3.**	**4.**
1 to 4	$.85	$1.25	$1.40	$1.55
5	.95	1.35	1.45	1.60
6	.95	1.35	1.45	1.60
7	1.00	1.40	1.55	1.75
8	1.10	1.60	1.80	1.90
9	1.10	1.60	1.80	1.90
10	1.10	1.60	1.80	1.90
11	1.10	1.60	1.80	1.90
12	1.10	1.60	1.80	1.90

Monthly rates from residences and flats for one container of not exceeding 32 gallons. Made from third floor, two stairways above ground floor or basement:

	Collections Per Week			
No. Rooms	**1.**	**2.**	**3.**	**4.**
1 to 4	$.90	$1.30	$1.45	$1.60
5	.95	1.35	1.50	1.65
6	.95	1.35	1.50	1.65
7	1.10	1.55	1.70	1.80
8	1.15	1.70	1.90	2.00
9	1.25	1.75	1.95	2.10
10	1.25	1.75	1.95	2.10
11	1.25	1.75	1.95	2.10
12	1.25	1.75	1.95	2.10

Monthly rates from residences and flats for one container of not exceeding 32 gallons. Made from fourth floor, three stairways above ground floor or basement:

	Collections Per Week			
No. Rooms	**1.**	**2.**	**3.**	**4.**
1 to 4	$1.00	$1.40	$1.55	$1.70
5	1.10	1.50	1.65	1.80
6	1.10	1.50	1.65	1.80
7	1.20	1.60	1.75	1.90

No. Rooms	Collections Per Week 1.	2.	3.	4.
8	1.20	1.70	1.90	2.05
9	1.25	1.75	1.95	2.10
10	1.25	2.00	2.20	2.40
11	1.25	2.00	2.20	2.40
12	1.25	2.00	2.20	2.40

Monthly rates from apartment houses:

No. Rooms	Collections Per Week 6.	4.	3.	2.	1.
10	$3.00	$2.40	$2.20	$1.90	$1.80
20	5.70	4.90	4.40	3.90	3.70
30	7.90	6.40	5.90	5.20	
40	9.80	8.70	7.40		
50	11.30	10.20	8.70		
60	12.50	11.50			
70	13.80	12.90			
80	15.00	14.00			
90	16.30	15.20			
100	17.50	16.20			
110	19.00				
120	20.40				
130	21.80				
140	23.20				
150	24.50				
160	25.90				
170	27.30				
180	28.70				
190	30.00				
200	31.40				
210	32.50				
220	33.80				
230	35.00				
240	36.30				
250	37.50				
260	38.80				
270	40.00				
280	41.30				
290	43.80				
300	45.00				
310	46.30				
320	47.50				
330	48.80				
340	50.00				
350	51.30				

No. Rooms	Collections Per Week 6.	4.	3.	2.	1.
360	52.50				
370	53.80				
380	56.30				
390	57.50				
400	58.80				
410	59.00				
420	60.40				
430	61.80				
440	63.20				
450	64.50				
460	65.90				
470	67.30				
480	68.70				
490	70.00				
500	71.40				
510	72.80				
520	74.20				
530	75.50				
540	76.90				
550	78.30				
560	79.70				
570	82.30				
580	82.40				
590	83.80				
600	85.00				

Rate Regulations

Rates for residences and flats shall be increased for more than one container of a maximum of 32 gallons by 10 cents per additional container per collection.

Any charge made by a refuse collector for removal of waste material not required to be placed in metal cans and which is delivered to him in other suitable containers as provided by Section 3 hereof, shall not exceed the rates fixed herein for collection and disposal of equivalent volumes of refuse in metal cans.

In determining the number of rooms of any household, building or apartment in order to ascertain the rate for the collection and disposition of refuse therefrom, halls, alcoves, storerooms, bathrooms, closets and toilets shall not be considered as rooms, nor shall basements or attics be considered as rooms unless the same be occupied as living quarters.

Any collection and disposition charges not specifically set forth herein shall be subject to agreement between the producer and a duly licensed refuse collector.

Procedure for Adjustment

There is hereby created a Rate Board consisting of the Chief Administrative Officer, who shall act as chairman, the Controller, and the Manager of Utilities. The Board shall convene upon call of the Chairman or the other two members and two members shall constitute a quorum. The Board shall act by majority vote. Any member of the Board may from time to time designate a subordinate from his own department to act in his place and stead as a member of the Board.

Any person, firm or corporation (including any holder of a permit to collect and dispose of refuse) affected by the above schedules of rates, or by revised schedule of rates hereafter placed in effect, and desiring an increase, decrease, or other adjustment or change in, or addition to, such rates or schedules or the regulations appertaining, shall file an application therefor with the Chairman of the Rate Board, who shall thereupon refer the same to the Director of Public Works for hearing, report and recommendation as hereinafter provided, unless the Rate Board shall determine that the application lies beyond its powers or presents no substantial question as to the justice or reasonableness of the rates, schedules of rates or regulations then in effect or is otherwise frivolous, in any of which events the Rate Board shall deny the application without further proceedings thereon.

Within 30 days thereafter, the Director of Public Works shall commence a public hearing upon the application and shall, not less than 20 days in advance of such hearing, cause to be published at least once in the official newspaper notice of the time and place thereof. The Director of Public Works shall be empowered to make or cause to be made such studies and investigations as he may deem pertinent to the application, to continue the hearing from time to time for that purpose, and to introduce the results of such studies and investigations in evidence. The applicant, and any person, firm or corporation affected by the application, shall be entitled to appear at the hearing and be heard. Any such person, firm or corporation desiring notice of further proceedings or action upon the application may file with the Chairman of the Rate Board a written request for such notice, setting forth his name and mailing address.

Upon the conclusion of the hearing and within 90 days after referral to him of the application, the Director of Public Works shall make and file with the Chairman of the Rate Board a Report setting forth the facts as found by him from the evidence taken and record made at the hearing, and a Recommended Order. The Recommended Order, if it provides for any change in the rates, schedules of rates, or regulations then in effect, shall set forth the date upon which the change is to take effect, which date shall be not less than 15 days from the date of filing of the Recommended Order with the Chairman of the Rate Board. The Chairman of the Rate Board shall publish the Recommended Order, together with notice of filing thereof, in the official newspaper, and shall mail notice of the filing of the Report and Recommended Order to the applicant and to any others who shall have filed written requests for notice as hereinabove provided.

At any time, within 15 days after filing of the Director of Public Works' Report and Recommended Order with the Chairman of the Rate Board, the applicant or any person, firm or corporation affected by the application, may file with the Chairman of the Rate Board any objections that he may have to the Recommended Order. If no such objections be filed, then the Recommended Order shall be deemed the Order of the Rate Board and shall take effect according to its terms without other or further action by the Rate Board. If any such objections be filed, then the Rate Board, upon not less than 10 days notice by mail to the applicant and to others who shall have filed written requests for notice as hereinabove provided, shall hear the objections and, upon the basis of the evidence taken and record made upon the hearing before the Director of Public Works, shall grant or deny the application in whole or in part and shall make such order, to take effect at such time, as may be just and reasonable. In the event of inability or failure of the Rate Board to render a decision within 60 days of the date of filing with it of the Director of Public Work's Report and Recommended Order, then the said Recommended Order shall be deemed the order of the Board and shall take effect upon expiration of said 60 day period.

Any revised rates, schedules of rates or regulations placed in effect pursuant hereto shall be just and reasonable.

An application filed pursuant to this section and denied in whole or in part may not be renewed for a period of one year from the date of filing in the absence of an intervening change in conditions.

(b) Any collection and disposition of rates or charges for establishments other than residences, flats and apartment houses of not more than 600 rooms, shall be subject to contract between the producer and a duly licensed refuse collector.

SECTION 7.

It shall be unlawful for any refuse disposer or refuse collector to charge a greater rate for the disposal of refuse or for the collection and disposition of refuse than that fixed in, or pursuant to, Sections 5 and 6(a) of this ordinance.

Nothing herein contained shall be taken or construed as preventing a refuse disposer or a refuse collector from charging a lesser rate or charge for the disposal of refuse or for the collection and disposition of refuse than that fixed in, or pursuant to, Sections 5 and 6(a) of this ordinance.

SECTION 8.

Each licensed refuse collector shall be assigned a number by the Director of Public Health. The Director of Public Health shall furnish each collector a metal badge on which is marked the number assigned the collector, who at all times while collecting refuse shall wear said badge in plain view. The Director of Public Health shall collect from each collector for the expense of providing said badge and the issuance of said license the sum of $5. Each vehicle or wagon in which refuse is transported through the streets shall be assigned a number by the Director of Public Health and the number thereof shall be plainly marked thereon.

SECTION 9.

The license, as distinguished from a permit herein, of any refuse collector, may be revoked by the Director of Public Health for failure on the part of the refuse collector to properly collect refuse, or for overcharging for the collection of same, or for insolence towards persons whose refuse he is collecting, and it shall be unlawful for any person whose license is so revoked to collect refuse in the City and County of San Francisco.

No license of a refuse collector shall be revoked except upon a hearing of which the refuse collector has been given a notice of at least three days.

SECTION 10.

Upon the payment of the rate fixed in or pursuant to Section 6(a) of this ordinance for the collection and removal of refuse, the person paying the same shall be entitled to, and there shall be delivered to him, a receipt on which shall be shown the amount paid, the premises for which it is paid, the name and number of the collector, the number of the vehicle or wagon, and, in clearly legible print, the schedule of rates applicable to his classification of establishment. On the face of said receipt there shall be printed the following words: "The rates for the collection of refuse are fixed pursuant to initiative ordinance and are printed on the back of this receipt. Complaints as to service should be made to the Department of Public Health."

Upon the payment of a rate fixed by contract pursuant to Section 6(b) hereof, the person paying the same shall be given a receipt which shall show the amount paid, the period for which paid, the premises for which paid, the name and number of the collector and the date of payment, and shall bear the notation that the rate charged is subject to private contract.

SECTION 11.

Disputes over charges made by collectors or as to the character of the service performed shall be decided by the Director of Public Health. Any charges made in excess of rates fixed pursuant to this ordinance, when determined by the Director of Public Health, shall be refunded to the person or persons who paid the excess charge.

SECTION 12.

A refuse collector shall be entitled to payment for the collection of refuse at the end of each month from each householder or landlord served by him and from whom the payment is due.

SECTION 13.

The initiative ordinance passed by the People of the City and County of San Francisco on June 14, 1927, providing for the collection and disposition of refuse in the City and County of San Francisco;

providing for the licensing of refuse collectors by the Board of Health; fixing the maximum rates or charges for the collection of refuse by licensed refuse collectors from homes and apartment houses; dividing City and County of San Francisco into collection routes; and providing penalties for the violation of the provisions of this ordinance, and all other ordinances in conflict therewith, are herewith repealed.

SECTION 14.

Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed $500, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.

SECTION 15.

This ordinance shall take effect ten days after the declaration of the official count of the votes cast therefor; provided, however, that for the purpose of issuing licenses to refuse collectors, application may be filed and the licenses issued during the period between the final approval of this ordinance and the date of its taking effect.

SECTION 16.

The Controller shall furnish the Director of Public Health with such financial data, including data as to the cost of refuse collections, as may be required by the Director to enable him to perform his functions under this ordinance. The Controller shall likewise make available at any hearing before the Director of Public Works upon an application filed pursuant to Section 6 hereof such financial data, including data as to the cost of refuse collections, as the Director of Public Works may deem pertinent to the issues raised by the application. Each collector holding a permit shall keep such records and render such reports as may be required by the Controller to enable him to develop the above-mentioned data, and the Controller shall have access to such records.

SECTION 17.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. It is hereby declared that this act, and each section, subsection, sentence, clause and phrase thereof, would have been passed irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases had been declared unconstitutional. **(Adopted, 1932; amended, 1946; 1954; 1960)**

APPENDIX 2: REGULATION OF STREET RAILWAY CARS

Adopted May 2, 1935

Providing for the Operation of Street Railway Cars by a Motorman and Conductor, Specifying the Entrance Age of Employees on Street Railways, and Providing a Penalty for Violations Thereof.

Be it Ordained by the People of the City and County of San Francisco:

SECTION 1.

Every street railway car and every cable car while carrying passengers in the City and County of San Francisco, except street railway cars acquired or to be acquired by the City and County of San Francisco subsequent to January 1, 1939, shall be in charge of a motorman or a gripman and a conductor; every motorman and gripman and conductor employed in the operation of any street railway car or cable car must be an adult of not less than 21 years of age.

This ordinance shall not be repealed, modified or amended except by vote of the electorate.

SECTION 2.

Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined for each offense, not less than $50 nor more than $300, or by imprisonment for a term not exceeding six months in the County Jail of the City and County of San Francisco, or by both such fine and imprisonment. **(Adopted, 1935; amended, 1954)**

APPENDIX 3: REGULATING SALE OF FRESH MEAT

Adopted November 5, 1968

Repealing Sections 557, 558 and 798, Part II, Chapter V, San Francisco Municipal Code (Health Code) relating to hours of business for sale of fresh meats and poultry.

SECTION 1.

Sections 557, 558 and 798, Part II, Chapter V (Health Code) of the San Francisco Municipal Code are hereby repealed.

SECTION 2.

No laws shall hereafter be enacted by the governing body of the City and County of San Francisco, State of California, which would prevent the sale of fresh meat and poultry in San Francisco between the hours of 6:00 P.M. and 7:00 A.M., and on Sundays and Holidays, provided that such sales of fresh meat and poultry shall be subject to those laws heretofore or hereafter enacted which regulate the sale of fresh meat and poultry during the other hours of sale.

APPENDIX 4: [REPEALED]

This appendix was repealed in November 1975.

APPENDIX 5: STREET ARTIST ORDINANCE

Adopted November 4, 1975

An Ordinance relating to the Regulation of Street Artists and Craftsmen, establishing an Advisory Committee of Street Artists and Craftsmen Examiners, prescribing certification procedures, and procedure for designation of sales areas; and repealing initiative approved as Proposition "J" at the election held on June 4, 1974.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1.

An ordinance is hereby enacted and approved, regulating certain activities of street artists and craftsmen, reading as follows:

REGULATING STREET ARTISTS
AND CRAFTSMEN

Sec. 1. Definitions.
Sec. 2. Advisory Committee of Street Artists and Craftsmen Examiners; Establishment; Appointments; Compensation; Terms; Chairman; Secretary.
Sec. 3. Application.
Sec. 4. Examination.
Sec. 5. Issuance of Certificate.
Sec. 6. Certificate Fee; Period.
Sec. 7. Regulating Street Artists and Craftsmen.
Sec. 8. Designation of Sales Areas.
Sec. 9. Repeal.

Sec. 1 Definitions.

For the purposes of this ordinance the following words or phrases shall mean or include:

(a) "Art Commission". The Art Commission of the City and County.

(b) "Advisory Committee". The Advisory Committee of Street Artists and Craftsmen Examiners of the City and County.

(c) "City and County". The City and County of San Francisco.

(d) "Family Unit". Two or more persons jointly engaged in the creation or production of an art or craft item, no one of whom stands in an employer-employee relationship to any of the other members thereof, or, two or more physically or mentally handicapped persons participating in a formal rehabilitation program a part of which includes activities for the creation of arts and crafts by said persons.

(e) "Person". Any individual, copartnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character; provided, however, that whenever a right, privilege, or power is conferred upon a person by the provisions of this ordinance, the term "person" shall mean an individual natural person.

Sec. 2. Advisory Committee of Street Artists and Craftsmen Examiners; Establishment; Appointment; Compensation; Terms; Chairman; Secretary.

There is hereby established an Advisory Committee of Street Artists and Craftsmen Examiners who shall advise the Art Commission on matters relating to the wares produced by street artists and to perform such other functions as shall from time to time be deemed appropriate by the Commission. The Advisory Committee shall consist of five members to be appointed by the Mayor. Four of said members shall be experienced artists or craftsmen and each such member shall be appointed from among three persons whose names shall have been submitted to the Mayor

for appointment by the Art Commission, and one of the members shall be an art educator. Each member shall be compensated for the time he or she spends in this capacity as assigned by the Chairman at a rate of pay to be established from time to time by the Board of Supervisors. The term of each member shall be two years, provided that the five members first appointed by the Mayor shall, by lot, classify their terms so that the terms of two members shall be for a period of one year and the terms of three members shall be for a period of two years, and upon the expiration of these and successive terms, the Mayor shall appoint their successors for a two-year term in a manner similar to that described herein for the initial members. In the event a vacancy occurs during the term of office of any member, the Mayor shall appoint for the unexpired term of the office vacated, a successor in a manner similar to that described herein for the initial members. The Advisory Committee shall elect from its members a Chairman and a Secretary to hold office for one year, or until their successors are duly elected and qualified. The Secretary shall keep an accurate record of all proceedings of the Advisory Committee which shall be open to inspection by the public at all times.

Sec. 3. Application.

Every person desiring certification as a street artist or craftsman pursuant to this ordinance shall file an application with the Art Commission upon a form provided by said Commission. Except as otherwise provided for herein, said application shall specify:

(a) the applicant's residence address, place of employment where the work of art is produced and the mailing address of a person through whom the applicant may always be reached shall appear on the application.

(b) a description of the art or craft item for which the applicant seeks certification.

(c) a declaration under penalty of perjury that the art or craft item for which he seeks certification is of his own creation or the creation of his family unit, and that he neither employs other persons nor is employed by another person in the production of the art or craft item for which he seeks certification.

Sec. 4. Examination.

Upon receipt of an application filed pursuant to this ordinance, the Executive Director of the Art Commission shall fix a date for Advisory Committee consideration and action upon said application and shall notify the applicant of said date.

In its consideration of an application, the Art Commission shall examine representative samples of the applicant's work for the purposes of verifying the information set forth in the application. After such examination, and for the purposes of further investigation, the Art Commission may designate one or more of its members to visit the studio or workshop of the applicant to view the applicant's facilities and to further verify that the art or craft item for which the applicant seeks certification of his own creation or those of his family unit.

Sec. 5. Issuance of Certificate.

If the applicant's examination is satisfactory, and if no charges of deception resorted to in obtaining the certificate, or any other violation of the applicable provisions of the San Francisco Municipal Code, have been filed with the Commission, upon payment of the certificate fee fixed by this ordinance, the Executive Director of the Art Commission shall issue a certificate to the applicant, duly signed, and shall show therein that the person named therein passed the examination and is entitled to engage in the display and sale of the specific art or craft item set forth in said certificate in accordance with the provisions of this ordinance.

Sec. 6. Certificate Fee; Period.

The fee for any certificate issued pursuant to the provisions of this ordinance shall be $20.00 and said certificate shall be valid for a period of three months from the date of issuance; except that any person certified pursuant to the provisions of this ordinance shall have the option of purchasing for $80.00 a certificate valid for a period of one year from the date of issuance. The Board of Supervisors may increase the certificate fee when necessary in order to finance the costs of the Art Commission in administering and enforcing the provisions of this ordinance. (Amended November, 1983)

Sec. 7. Regulating Street Artists and Craftsmen.

(a) It shall be unlawful for any person to sell, offer for sale, expose for sale, or solicit offers to purchase, any art or craft work of his own creation on any public street or public place where such activities are permitted, unless duly certified as a street artist or craftsman pursuant to the provisions of this ordinance, or duly licensed as a peddler pursuant to the provisions of Section 132.1 of Part III of the San Francisco Municipal Code.

(b) It shall be unlawful for any person certified as a street artist or craftsman pursuant to the provisions of this ordinance to sell, offer for sale, expose for sale, or solicit offers to purchase, any art or craft work of his own creation on any public street or public place where such activities are not permitted, unless duly licensed as a peddler pursuant to the provisions of Section 132.1 of Part III of the San Francisco Municipal Code.

(c) All or part of funds derived from the fees paid by street artists and craftsmen may be assigned by the Board of Supervisors to the Art Commission for use in paying members of the Advisory Committee as set forth in Section 2 above and to the San Francisco Police Department for enforcement of this Proposition.

Sec. 8. Designation of Sales Areas.

The Board of Supervisors, by resolution after public hearings thereon, may designate areas in or on any public street or public place where any street artist or craftsman certified pursuant to the provisions of this ordinance may sell, offer for sale, expose for sale, or solicit offers to purchase any art or craft item of his own creation; provided, however, that any designation of an area in a public place under the jurisdiction of an officer, board or commission of the City and County shall be subject to the approval of such officer, board or commission. In designating such areas, the Board of Supervisors may impose such conditions and limitations as, in its discretion, are necessary to prevent any undue interference with normal pedestrian or vehicular traffic, or any damage to surrounding property, including interference with use, view or enjoyment of public parks.

Sec. 9. Repeal.

The initiative ordinance relative to permits and licenses for street artists, approved by the electorate as Proposition "J" on the ballot for the election held in the City and County of San Francisco on June 4, 1974, is hereby repealed.

APPENDIX 6: ORDINANCE PROVIDING FOR THE REGULATION OF TAXICABS AND OTHER MOTOR VEHICLES FOR HIRE

Adopted June 6, 1978

An Ordinance providing regulations, policies and procedures relating to the issuance by the Police Commission of permits for taxicabs and other motor vehicles for hire in the City and County of San Francisco; regulating the times for operation under such permits, nontransferability of permits, surrender and exchange of existing permits; provisions as to corporate permittees, financial and accounting records, and certain aspects of taxicab rates; repealing various sections of Parts II and III of the San Francisco Municipal Code; providing for severability.

Be it Ordained by the People of the City and County of San Francisco:

SECTION 1.

The qualified electors of the City and County of San Francisco hereby declare it shall be the law of the City and County of San Francisco that:

(a) All taxicab permits and other vehicle for hire permits issued by the City and County of San Francisco are the property of the people of the City and County of San Francisco and shall not be sold, assigned or transferred; and

(b) The Chief of Police of the City and County of San Francisco shall have the responsibility of establishing regulations to assure prompt, courteous and honest service to the riding public; and

(c) The taxicab business shall operate under the principles of free enterprise and that taxicab operators may charge less than the maximum rate of fare set by law, as set forth below.

(d) The Police Commission shall issue a sufficient number of permits to assure adequate taxicab service throughout the City and County of San Francisco.

SECTION 2. **The Application For A Permit.**

(a) Any applicant for a permit to operate a taxicab or other vehicle for hire shall apply to the Police Commission for its declaration of public convenience and necessity on blanks to be furnished by the Secretary of the Police Commission, and within 15 days of the filing of such an application the Secretary of the Police Commission shall have a notice published in the official newspaper of the City and County of San Francisco. The notice shall state that an application has been filed for a license or permit to operate a taxicab or other motor vehicle for hire or motor vehicle for hire business, the name of the applicant, the kind of equipment, and the number of taxicabs or other vehicles for hire which the applicant desires to operate. The notice shall be published for three successive days.

The applicant shall pay to the City and County of San Francisco a sum to cover the costs of advertising and investigating and processing the application for each permit, such sum to be determined periodically as appropriate by the Police Commission.

Protests against the issuing of a permit may be filed with the Police Commission. The Police Commission shall consider all protests and in conducting its hearing shall have the right to call such witnesses as it desires. In all such hearings the burden of proof shall be upon the applicant to establish by clear and convincing evidence which shall satisfy the Police Commission, that public convenience and necessity require the operation of the vehicle or vehicles for which permit application has been made, and that such application in all other respects should be granted.

(b) No permit shall be issued unless the person applying for the permit shall declare under penalty of perjury his or her intention actively and personally to engage as permittee-driver under any permit issued to him or her for at least four hours during any 24 hour period on at least 75 percent of the business days during the calendar year. No more than one permit shall be issued to any one person.

(c) For two years from the effective date of this Ordinance, a preference in the issuance of any permit shall be given to any person who has driven a taxicab or other motor vehicle for hire in the City and County of San Francisco for at least one consecutive 12 month period during any of the three calendar years immediately prior to the filing of an application for issuance of such permit.

(d) No permit shall be issued except to a natural person and in no case to any business, firm, partnership or corporation.

(e) Subject to any other preference created in this Ordinance, all applications for a permit to operate a taxicab or other motor vehicle for hire shall be processed and considered in the order of their receipt by the Police Commission.

(f) No part of this Section 2 shall apply to any permit holder described in subparagraph (b) of Section 4 of this Ordinance.

SECTION 3. **Facts to be Considered by Police Commission.**

The Police Commission, in determining whether or not public convenience and necessity exist for the issuance of a permit, may consider such facts as it deems pertinent, but must consider whether:

(a) The applicant is financially responsible and will maintain proper financial records.

(b) The public will not be adequately or properly served unless the application is granted.

(c) The applicant has complied with all provisions of the Municipal Code, including pertinent motor vehicle laws.

(d) The applicant will be a full-time driver, within the meaning of Section 2(b) of this Ordinance, of the taxicab or other motor vehicle for hire.

SECTION 4. **Continuous Operation.**

(a) All permittees within the purview of Section 1075 of Chapter VIII, Part II of the San Francisco Municipal Code (Police Code) shall regularly and daily operate their taxicab or other motor vehicle for hire business during each day of the year to the extent reasonably necessary to meet the public demand for such taxicab or motor vehicle for hire service.

Upon abandonment of such business for a period of 10 consecutive days by a permittee or operator, the Police Commission shall, after five days' written notice to the permittee or operator, revoke the permit or permits of such permittee or operator; provided, however, that the Chief of Police, subject to the approval of the Police Commission and only after a thorough investigation, may on written application grant to the holder of any permit hereunder permission to suspend operation pursuant to such permit for a period not to exceed 90 calendar days in any one 12 month period in case of sickness, death, or other similar hardship.

No permit issued under this Ordinance shall be transferrable or assignable, either expressly or by operation of law. All such permits and all rights granted under them may be rescinded and ordered revoked by the Police Commission for good cause.

(b) All persons, businesses, firms, partnerships, corporation or other entities who possess outstanding permits to operate a motor vehicle for hire on the effective date of this section must surrender and exchange any such permits for new permits within 60 days of the effective date of this section. The new permits shall be non-transferrable and non-assignable either expressly or by operation of law. Any such surrender and exchange shall be without fee to the permit holder. From and after the sixty-first day after the effective date of this section, all permits not surrendered for new permits shall be void and continuance of operation under any such void permits shall be punishable by a $500 fine and 30 days incarceration in the county jail for each such void permit so used.

SECTION 5. **Corporate Permittee.**

(a) If any permittee is a corporation, any sale or other transfer of 10 percent or more or the stock ownership or assets of the permittee, resulting from any transaction or series of transactions and computed on a cumulative basis, will be deemed to be a sale or transfer and the permit therefore shall be null and void, unless approved by the Police Commission in conformity with the requirements of this Ordinance.

(b) Any corporation holding a permit hereunder shall maintain a stock register at the principal office of the corporation in San Francisco and the stock register shall be available to the Police Department for inspection. Such corporation shall report to the department, in writing any of the following:

(i) Issuance or transfer of any shares of stock to any person where the issuance or transfer results in the person owning 10 percent or more of the corporate stock.

(ii) Change in any of the corporate officers which are required by Section 821 of the California Corporations Code.

(iii) Change of any members of its board of directors.

(c) Any report required pursuant to Subparagraph (b) hereof shall be filed with the Police Department within 10 days of the change, sale or transfer to be reported.

SECTION 6. **Maintaining Financial and Accounting Records.**

The Controller of the City and County of San Francisco shall have the responsibility of establishing regulations for the keeping and filing of financial statements and accounting books and records by every holder of a taxicab permit or other type of permit under this Ordinance. The purpose of such regulations is to provide information to the Board of Supervisors for ordinances respecting maximum rates of fares or other charges and to the Police Commission for the performance of its duties under the law. Failure of any permit holder to comply with the Controller's regulations may be cause for revocation of all rights granted to a permit holder to operate a taxicab or other vehicle for hire.

SECTION 7. **Rates for Taxicabs.**

Notwith-standing any provision of the San Francisco Municipal Code, any person, firm or corporation operating a taxicab or taxicabs may set a rate of fare lower than the maximum rate which may be set from time to time by appropriate ordinance; provided, however, that any such lower rate shall be filed with the Board of Supervisors in writing prior to June 1st of any year, and, if approved by the Board, shall remain in effect until September 1st of the following year.

SECTION 8.

Sections 1076, 1077, 1079 and 1135(B) of Chapter VIII, Part II of the San Francisco Municipal Code (Police Code) are hereby repealed.

SECTION 9.

Sections 128.1, 128.2 and 128.3 of Part III, Article 2 of the San Francisco Municipal Code, are hereby repealed.

SECTION 10. **Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The qualified electors of the City and County of San Francisco hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentence, clause or phrases be declared unconstitutional, invalid or ineffective.

APPENDIX 7: NONPROFIT GARAGE CORPORATIONS

Adopted June 3, 1980

Amending Part III, San Francisco Municipal Code, by adding Section 1004.16 thereto, relating to nonprofit garage corporations, providing for effective date of July 1, 1980.

Be it ordained by the People of the City and County of San Francisco:

SECTION 1.

Article 12-B of Part III, San Francisco Municipal Code (Business Tax Ordinance) is hereby amended by adding Section 1004.16 thereto, reading as follows:

Sec. 1004.16. **Nonprofit Garage Corporations.**

For every person engaged in business as a nonprofit garage corporation, the tax shall be $250 per year or fractional part thereof for the first $1,000 or less of gross receipts, plus $250 per year for each additional $1,000 of gross receipts, or fractional part thereof in excess of $1,000.

As used herein, the term "nonprofit garage corporation" shall mean any nonprofit corporation formed for the express purpose of aiding and assisting the City and County of San Francisco in constructing a public off-street parking facility, which such nonprofit corporation has issued revenue bonds, the interest on which is exempt from federal income tax and which bonds or a portion thereof is outstanding. Notwithstanding any other provision herein, a nonprofit garage corporation which receives revenues by reason of its interest in a public off-street parking facility shall be deemed to be engaged in business for purposes of this ordinance.

Nothing contained herein shall reduce or repeal the San Francisco Parking Tax (Ordinance No. 286-70) imposed on occupants of parking stations; nor shall anything contained herein reduce or repeal any San Francisco tax as applied to any person who is not a "nonprofit garage corporation," even if said person is an operator, manager or lessee of a public off-street parking facility.

SECTION 2. **Effective Date.**

This ordinance shall become effective on July 1, 1980.

SECTION 3.

The Board of Supervisors shall adopt appropriate amendments to Article 12B of Part III, San Francisco Municipal Code to implement the tax on nonprofit garage corporations.

APPENDIX 8: SMOKING POLLUTION CONTROL ORDINANCE

Adopted November 8, 1983

Regulating smoking in the office workplace.

Be it ordained by the People of the City and County of San Francisco:

SECTION 1.

Part II, Chapter V, of the San Francisco Municipal Code (Health Code) is hereby amended by adding Article 19 thereto, reading as follows:

Article 19
SMOKING POLLUTION CONTROL

Section 1000. **Title.**

This Article shall be known as the Smoking Pollution Control Ordinance.

Section 1001. **Purpose.**

Because the smoking of tobacco or any other weed or plant is a danger to health and is a cause of material annoyance and discomfort to those who are present in confined places, the Board of Supervisors hereby declares that the purposes of this article are (1) to protect the public health and welfare by regulating smoking in the office workplace and (2) to minimize the toxic effects of smoking in the office workplace by requiring an employer to adopt a policy that will accommodate, insofar as possible, the preferences of nonsmokers and smokers and, if a satisfactory accommodation cannot be reached, to prohibit smoking in the office workplace.

This ordinance is not intended to create any right to smoke or to impair or alter an employer's prerogative to prohibit smoking in the workplace. Rather, if an employer allows employees to smoke in the workplace, then this ordinance requires (1) that the employer make accommodations for the preferences of both nonsmoking and smoking employees, and (2) if a satisfactory accommodation to all affected nonsmoking employees cannot be reached, that the employer prohibit smoking in the office workplace.

Section 1002. **Definitions.**

For the purposes of this Article:

(1) "City" means the City and County of San Francisco;

(2) "Board of Supervisors" means the Board of Supervisors of the City and County of San Francisco;

(3) "Person" means any individual person, firm, partnership, association, corporation, company, organization, or legal entity of any kind;

(4) "Employer" means any person who employs the services of an individual person;

(5) "Employee" means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit;

(6) "Office Workplace" means any enclosed area of a structure or portion thereof intended for occupancy by business entities which will provide primarily clerical, professional or business services of the business entity, or which will provide primarily clerical, professional or business services to other business entities or to the public, at that location. Office workplace includes, but is not limited to, office spaces in office buildings, medical office waiting rooms, libraries, museums, hospitals and nursing homes;

(7) "Smoking" or "to smoke" means and includes inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco or any other weed or plant; and

(8) "Enclosed" means closed in by a roof and four walls with appropriate openings for ingress and

egress and is not intended to mean areas commonly described as public lobbies.

Section 1003. **Regulation of Smoking in the Office Workplace**

(1) Each employer who operates an office or offices in the city shall within three months of adoption of this ordinance, adopt, implement and maintain a written Smoking Policy which shall contain, at a minimum, the following provisions and requirements:

(a) Any nonsmoking employee may object to his or her employer about smoke in his or her workplace. Using already available means of ventilation or separation or partition of office space, the employer shall attempt to reach a reasonable accommodation, insofar as possible, between the preferences of nonsmoking and smoking employees. However, an employer is not required by this ordinance to make any expenditures or structural changes to accommodate the preferences of nonsmoking or smoking employees.

(b) If an accommodation which is satisfactory to all affected nonsmoking employees cannot be reached in any given office workplace, the preferences of nonsmoking employees shall prevail and the employer shall prohibit smoking in that office workplace. Where the employer prohibits smoking in an office workplace, the area in which smoking is prohibited shall be clearly marked with signs.

(2) The Smoking Policy shall be announced within three weeks of adoption to all employees working in office workplaces in the city and posted conspicuously in all workplaces under the employer's jurisdiction.

Section 1004. **Where Smoking Not Regulated.**

This Article is not intended to regulate smoking in the following places and under the following conditions within the city

(1) A private home which may serve as an office workplace;

(2) Any property owned or leased by state or federal government entities;

(3) Any office space leased or rented by a sole independent contractor;

(4) A private enclosed office workplace occupied exclusively by smokers, even though such an office workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation.

Section 1005. **Penalties and Enforcement.**

(1) The Director of Public Health shall enforce Section 1003 hereof against violations by either of the following actions:

(a) Serving notice requiring the correction of any violation of this Article;

(b) Calling upon the City Attorney to maintain an action for injunction to enforce the provisions of this Article, to cause the correction of any such violation, and for assessment and recovery of a civil penalty for such violation;

(2) Any employer who violates Section 1003 hereof may be liable for a civil penalty, not to exceed $500, which penalty shall be assessed and recovered in a civil action brought in the name of the People of the City and County of San Francisco in any court of competent jurisdiction. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any penalty assessed and recovered in an action brought pursuant to this paragraph shall be paid to the Treasurer of the City and County of San Francisco.

(3) In undertaking the enforcement of this ordinance, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

APPENDIX 9: JAIL COST REIMBURSEMENT

Adopted June 5, 1984

Amending Article V, Chapter 10, of the San Francisco Administrative Code by adding Section 10.39-2 thereto to provide for the collection of costs of incarceration in a County Jail or other local detention facility.

Be it ordained by the People of the City and County of San Francisco:

SECTION 1.

Article V, Chapter 10, of the San Francisco Administrative Code is hereby amended by adding Section 10.39-2 thereto, reading as follows:

Section 10.39-2. **Director of Adult Probation Department to Recover Costs of Incarceration.**

The director of the adult probation department is designated as the county officer of San Francisco responsible for collection of monies ordered by the courts pursuant to Section 1203.1c of the California Penal Code, and shall make inquiry into the ability of the defendant to pay all or a portion of the costs of incarceration, develop a scale for determining a defendant's ability to pay such costs, develop payment schedules, receive payments, and deposit into the general fund through the county treasurer any funds determined by a court to be the amounts to be reimbursed by such defendant to the county in a manner in which the court believes reasonable and compatible with the defendant's financial ability.

The director of the adult probation department shall base the costs of incarceration, including costs of booking, upon a determination made by the Sheriff and approved by the controller, to be reviewed annually by the board of supervisors, of the average per-day costs of incarceration in the county jail or other local detention facility. The board of supervisors may adopt such further legislation as is necessary to effectuate the purpose of this ordinance, but not to repeal the collection of monies pursuant to Section 1203.1c of the California Penal Code.

APPENDIX 10: PARK SHADOW BAN

Adopted June 5, 1984

An Ordinance which prohibits building permits for certain structures which will cast a substantial shadow on Recreation and Park Department property, except on prior approval of the City Planning Commission pursuant to the ordinance, with certain exceptions.

Be it ordained by the People of the City and County of San Francisco:

No building permit authorizing the construction of any structure that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission may be issued except upon prior action of the City Planning Commission pursuant to the provisions of this ordinance; provided, however, that the provisions of this ordinance shall not apply to building permits authorizing: structures which do not exceed 40 feet in height; structures which cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission only during the first hour after sunrise and/or the last hour before sunset; structures to be constructed on property under the jurisdiction of the Recreation and Park Commission for recreational and park-related purposes; structures of the same height and in the same location as structures in place on June 6, 1984; projects for which a building permit application has been filed and either:

(i) a public hearing has been held prior to March 5, 1984 on a draft environmental impact report published by the Department of City Planning, or

(ii) a Negative Declaration has been published by the Department of City Planning prior to the date of adoption of this initiative ordinance; or projects for which a building permit application and an application for environmental evaluation have been filed prior to March 5, 1984 and which involve physical integration of new construction with rehabilitation of a building designated as historic either by the San Francisco Board of Supervisors as a historical landmark or by the State Historic Preservation Officer as a State Historic Landmark, or placed by the United States Department of the Interior on the National Register of Historic Places and which are located on sites that, but for separation by a street or alley, are adjacent to such historic building.

The City Planning Commission shall conduct a hearing and shall disapprove the issuance of any building permit governed by the provisions of this ordinance if it finds that the proposed project will have any adverse impact on the use of the property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant.

The City Planning Commission shall not make the determination required by the provisions of this subsection until the general manager of the Recreation and Park Department in consultation with the Recreation and Park Commission has had an opportunity to review and comment to the City Planning Commission upon the proposed project. The City Planning Commission and the Recreation and Park Commission, after a joint meeting, shall adopt criteria for the implementation of the provisions of this ordinance.

The zoning administrator shall determine which applications for building permits propose structures which will cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition

by, the Recreation and Park Commission. As used in this subsection, "property designated for acquisition by the Recreation and Park Commission" shall mean property which a majority of each of the Recreation and Park Commission and the City Planning Commission meeting jointly, with the concurrence of the Board of Supervisors, have recommended for acquisition from the open space acquisition and park renovation fund which property is to be placed under the jurisdiction of the Recreation and Park Commission. The provisions of this ordinance shall also be incorporated into the City Planning Code.

APPENDIX 11: COMPENSATED ADVOCACY AND OFFICEHOLDER ACCOUNTS

Adopted June 3, 1986

An ordinance prohibiting compensated advocacy by city officers and state legislators before any city commission, and limiting the amount any person may contribute to a candidate for municipal office to $500 and prohibiting the establishment of officer accounts for the solicitation and expenditure of funds.

Be it ordained by the People of the City and County of San Francisco:

Section 1.

The People of the City and County of San Francisco desire and are entitled to a local government whose officers do not engage in, assist or promote compensated advocacy on behalf of private interest before City and County commissions and boards while also serving as City and County officers.

Section 2.

No officer of the City and County may, during the term of office, engage in compensated advocacy before any City and County board or commission, or any member of the board or commission or its staff, in order to represent any private interest, for which representation the officer receives, directly or indirectly, any compensation, reward or gift.

Section 3.

Officers of the City and County shall not discuss matters pending before their commission or department with other City and County officers or state legislators when those other officers or state legislators are acting as compensated advocates for a private interest.

Section 4.

No member of the California State Legislature shall appear before any City and County board, department or commission as a compensated advocate representing a private interest.

Section 5.

In the financing of city and county campaigns:

(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or in opposition to such candidate, including contributions to political committees supporting or opposing such candidate, to exceed $500.00.

(b) If any person is found guilty of violating the terms of this section, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly from available campaign funds, if any, the amount received from such persons in excess of the amount permitted by this section to the City and County Treasurer for deposit in the General Fund of the City and County.

(c) This section shall not apply to any in-kind contribution of television or radio airtime to any candidate or committee pursuant to the "Fairness Doctrine" articulated in Cullman Broadcasting, 40 FCC 576 (1963).

Section 6.

Any person violating the terms of this ordinance shall be subject to the penalties set forth in San Francisco Charter Section 8.105. Such penalties shall include, but not be limited to, removal from office.

Section 7.

If any provision of this ordinance, or its application to any person or circumstance, is held invalid, it is the expressed intent of the people of the City and County of San Francisco that the remainder of the ordinance, or the application of such provision, or any other provision to other persons or circumstances, shall not be affected thereby.

Section 8.

An officer of the City and County of San Francisco, or any person or committee on behalf of an officer of the City and County of San Francisco, is hereby prohibited from establishing any account, other than a campaign fund, for the solicitation and expenditure of funds. Nothing in this section shall prohibit an officer from spending personal funds on official or related business activities.

(a) An account established by an officer or on behalf of an officer of the City and County of San Francisco is defined as any account used to pay expenses incurred directly in connection with carrying out the usual and necessary duties of holding office, including but not limited to, travel between an officer's residence and public office, meetings with constituents which are not campaign related meetings, salary payments to staff for other than campaign activities, office promotional materials, advertising, mailings, postage, and paid radio or television airtime.

(b) Any and all monies, services, rewards, gifts or anything of monetary value, accepted or received by an officer or on behalf of an officer, except monies, services, rewards, gifts or anything of monetary value accepted or received from or as a result of the officer's personal or business activities, unrelated to his or her office, shall be deposited, credited or otherwise reported to a campaign fund established by that officer or on behalf of that officer and shall be subject to the provisions contained in Section 5 of this ordinance.

(c) This section shall not be applied retroactively. Funds held in officer accounts, or accounts on behalf of any officer, existing at the time of the adoption of this ordinance, may be expended on official or business related activities notwithstanding this section. No further deposits, transfer, credits or other additions to the balance of the account shall be made. Upon depletion of all available funds in the officer's account, the account shall be closed. **(Adopted 1986; amended, 1993)**

APPENDIX 12: PLANNING INITIATIVE

Adopted November 4, 1986

An ordinance which adopts mandatory priority policies for the city's Master Plan, extends limits on the development of new office space in San Francisco, and reduces the amount of new office development allowed under the Downtown Plan.

PART 1—MASTER PLAN

Be it ordained by the people of the City and County of San Francisco that Part II, Chapter II, of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding section 101.1 as follows:

SECTION 101.1. **MASTER PLAN CONSISTENCY AND IMPLEMENTATION.**

(a) The Master Plan shall be an integrated, internally consistent and compatible statement of policies for San Francisco. To fulfill this requirement, after extensive public participation and hearings, the City Planning Commission shall in one action amend the Master Plan by January 1, 1988.

(b) The following Priority Policies are hereby established. They shall be included in the preamble to the Master Plan and shall be the basis upon which inconsistencies in the Master Plan are resolved.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

3. That the City's supply of affordable housing be preserved and enhanced;

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

5. That a diverse economic base be maintained by protecting our industrial service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

7. That landmarks and historic buildings be preserved; and

8. That our parks and open space and their access to sunlight and vistas be protected from development.

(c) The City may not adopt any zoning ordinance or development agreement authorized pursuant to Government Code Section 65865 after November 4, 1986, unless prior to that adoption it has specifically found that the ordinance or development agreement is consistent with the Priority Policies established above.

(d) The City may not adopt any zoning ordinance or development agreement authorized pursuant to Government Code Section 65865 after January 1, 1988, unless prior to that adoption it has specifically found that the ordinance or development agreement is consistent with the City's Master Plan.

(e) Prior to issuing a permit for any project or adopting any legislation which requires an initial study under the California Environmental Quality Act, and prior to issuing a permit for any demolition, conversion or change of use, and prior to taking any action which requires a finding of consistency with the Master Plan, the City shall find that the proposed project of legislation is consistent with the Priority Policies established above. For any such permit issued or legislation adopted after January 1, 1988 the City shall also find that the project is consistent with the City's Master Plan.

PART 2—ANNUAL LIMIT

Be it ordained by the people of the City and County of San Francisco that Part II, Chapter II, of the San Francisco Municipal Code (City Planning Code) is hereby amended as follows:

Subsections 320(b) and 320(g)(1) are amended as follows:

SECTION 320. **OFFICE DEVELOPMENT: DEFINITIONS.**

(b) "Approval period" shall mean the twelve-month period beginning on October 17, 1985 and each subsequent twelve-month period.

(g) "Office development" shall mean construction, modification or conversion of any structure or structures or portion of any structure or structures, with the effect of creating additional office space, excepting only:

1. Development which will result in less than 25,000 square feet of additional office space.

Subsection 320(g)(5) is deleted and the existing Subsections renumbered.
Subsection 320(k) is added as follows:

(k) "Preexisting office space" shall mean office space used primarily and continuously for office use and not accessory to any use other than office use for five (5) years prior to Planning Commission approval of an office development project which office use was fully legal under the terms of San Francisco law.

Subsection 321(a)(1) is amended as follows:

SECTION 321. **OFFICE DEVELOPMENT: ANNUAL LIMIT**

(a) Limit.

1. No office development may be approved during any approval period if the additional office space in that office development, when added to the additional office space in all other office developments previously approved during that approval period, would exceed 950,000 square feet or any lesser amount resulting from the application of Section 321.1. To the extent the total square footage allowed in any approval period is not allocated, the unallocated amount shall be carried over to the next approval period.

A new Subsection 321(b)(4) is added as follows and existing subsections renumbered:

(4) Reserve for Smaller Buildings. In each approval period at least 75,000 square feet of office development shall be reserved for buildings between 25,000 and 49,999 square feet in gross floor area of office development. To the extent the total square footage allowed under this subsection in any approval period is not allocated, the unallocated amount shall be carried over to the next approval period and added only to the Reserve for Smaller Buildings.

Section 321.1 is added as follows:

SECTION 321.1 **ANNUAL LIMIT ADJUSTMENT.**

(a) It is the intention of the people of San Francisco that the annual limit on office development be reduced to account for the square footage resulting from the excessive number of building, alteration and site permits that were issued after November 29, 1984, the date the City Planning Commission amended the Master Plan to include the Downtown Plan.

(b) Not later than January 1, 1987 and January 1 of each subsequent year the Department of City Planning shall survey the records of the Central Permit Bureau and any other necessary records to develop a list of the square footage of all office development projects for which building, alteration or site permits were issued after November 29, 1984 that have not lapsed or otherwise been revoked, and all office development projects reapproved by the City, the Redevelopment Agency or the San Francisco Port Commission after November 29, 1984. Reapproval specifically includes any project reconsidered by any agency pursuant to Court decision. This process shall continue until the Department is able to certify that all projects with approval dates on or before November 4, 1986 have received permits, have been abandoned or are no longer subject to litigation challenging their approval. Notwithstanding any other provision of the City Planning Code or the former provisions of Subsection 320(g), all projects in excess of 24,999 square feet of additional office space shall be included in the survey. The list shall not include permits for projects authorized pursuant to the office development competition set out in Subsection 321(b) and Section 322.

(c) Not later than February 1, 1987, and February 1 of each subsequent year as set out above, the Department shall certify in writing to the City Planning Commission at a public hearing the list of all projects enumerated in subsection (b) above, including the square footage of each project and the total of all such projects.

(d) Within 30 days of receipt of the Department's certification, the Commission shall reduce the 950,000 square foot annual limit established in Subsection 321(a)(1) by 475,000 square feet per approval period until the amount of square footage remaining on the Department's list is reduced to zero.

(e) If the City has authorized more than 475,000 square feet as part of the office development competition set out in Subsection 321(b) and Section 322 prior to November 4, 1986, any amount exceeding 475,000 square feet shall be separately deducted from otherwise allowable square feet calculated pursuant to subsection (d) above for the approval period and for subsequent approval periods until the total amount of square footage is reduced to zero.

Section 321.2 is added as follows:

SECTION 321.2. **LEGISLATIVE REDUCTION OF ANNUAL LIMIT.**

(g) The Board of Supervisors is permitted to reduce the annual limit defined in Subsection 321(a)(1).

Section 321.3 is added as follows:

SECTION 321.3. **VOTER APPROVAL OF EXEMPTION OF OFFICE PROJECTS AUTHORIZED BY DEVELOPMENT AGREEMENTS.**

Any office development approved pursuant to a development agreement under Government Code Section 65865 or any successor section may set forth in Subsection 321(a)(1) after the exemption for such office development has been approved by the voters at a regularly scheduled election.

Section 325 is amended as follows:

SECTION 325. SUNSET CLAUSE.

The limit on office development set out in Planning Code sections 320, 321, 322, 323 and 324 as of October 17, 1985, as amended by the voters on November 4, 1986, shall remain in effect until amended or repealed by the voters of San Francisco at a regularly scheduled election.

PART 3—EMPLOYMENT

Be it ordained by the people of the City and County of San Francisco that Part II, Chapter II, of the San Francisco Municipal Code (City Planning Code) is hereby amended as follows:

Subsection 164(a) is amended as follows:

SECTION 164. **SAN FRANCISCO RESIDENT PLACEMENT AND TRAINING PROGRAM.**

(a) The City has determined in its certification of the Downtown Plan Environmental Impact Report and in its findings and studies leading to the adoption of Section 313 of the Planning Code that San Francisco and regional traffic and transit problems will become more intolerable as the number of non-resident employees increases in San Francisco as a result of new office development. In order to mitigate those adverse traffic and transit impacts, while protecting the City's residential areas from unwanted increases in density, the people determine that a policy of maximizing resident employment training and placement opportunities is needed.

Subsections 164(d) and (e) are added as follows:

(d) In order to ensure that the maximum number of San Francisco residents are trained and placed in employment opportunities in our City, the Board of Supervisors shall hold public hearings and not later than January 1, 1988 the City shall adopt legislation to establish a program which will coordinate the job training and placement efforts of the San Francisco Unified School District, the San Francisco Community College District, community-based non-profit employment and training programs, and other agencies from the public and private sectors, to assure maximum use of existing federal, state and local training and placement programs, and to develop such additional training and placement programs as deemed necessary.

(e) Should the Board of Supervisors determine that additional funds are needed for programs established pursuant to subsection (d) above, it shall

consider the adoption of a San Francisco Resident Training and Placement Fee of not less than $1.50 per square foot as a condition of the approval of any application for an office development project proposing the net addition of 50,000 or more gross square feet of office space.

PART 4—SEVERABILITY CLAUSE

If any part of this initiative is held invalid by a court of law, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other parts of the initiative or applications which can be given effect without the invalid part or application hereof and to this end the sections of this initiative are separable. **(Adopted, 1986; amended, 1987)**

APPENDIX 13: OIL DEVELOPMENT MORATORIUM

Adopted November 4, 1986

An ordinance which adopts a moratorium on the use, development or construction of crude oil and gas processing and support facilities.

Be it Ordained by the People of the City and County of San Francisco

Section 1. **Findings:**

(a) The development of crude oil and gas processing and support facilities related to oil and gas drilling and production may create unacceptable risks to the quality of life, the environment, and the long-term economic well-being of San Francisco.

(b) Spills of crude oil from tankers, pipelines, refineries, storage facilities and staging areas would have serious environmental and economic consequences, including destruction of marine and avian life; fouling of beaches, estuaries and other bodies of water; degradation of scenic coastal resources; harm to fishing and tourist industries; danger of fire and explosion and creation of noxious odors. These dangers exist because spill containment and cleanup technologies are currently inadequate. Presently, only 5 to 15 percent of spilled oil has been recovered in past cleanup efforts, according to the federal government.

(c) On-shore disposal or storage of drilling muds, cuttings and produced waters can result in serious degradation of water quality. These by-products of drilling activities can contain very substantial amounts of toxics, additives, oil and grease, and heavy metals, all of which, when introduced into the environment, cause serious adverse impacts to the health and welfare of the residents of San Francisco.

(d) San Francisco has been declared an air quality non-attainment area by the federal government and is already suffering from the adverse consequences of air pollution. The increased emission of pollutants, including volatile organic compounds, from activities connected with loading, unloading, ballasting, flushing, refining and storage operations would further degrade air quality.

(e) Oil and gas processing and support facilities would create increased levels of noise detrimental to the quality of life in San Francisco.

Section 2. **Definitions.**

"CRUDE OIL AND GAS PROCESSING AND SUPPORT FACILITIES" means:

(a) REFINERIES: Facilities that process, convert, refine and/or treat crude oil and gas, including facilities that separate crude oil and gas from sea water and dissolved chemicals;

(b) PIPELINES AND PIPELINE FACILITIES: Pipelines, pipeline landfalls and other related methods by which crude oil and gas are transported to crude oil and gas processing and support facilities;

(c) CRUDE OIL TANKER FACILITIES: Facilities, including marine terminals, for the purpose of accommodating the loading or unloading of crude oil and natural gas;

(d) STORAGE FACILITIES: Facilities for the purpose of storing crude oil and gas, including tank farms, or storing chemicals, drilling muds, cuttings, produced waters and other toxic materials used in the production of oil and gas products;

(e) STAGING AREAS: Facilities, yards and other areas designated for the purpose of transporting equipment to be used in or personnel employed in the construction or operation of oil drilling facilities;

(f) WASTE DISPOSAL FACILITIES: Facilities for the purpose of disposing of drilling muds, cuttings and produced water generated in the course of drilling oil and gas wells.

Section 3. **Duration of Moratorium.**

The moratorium set forth herein shall expire at the end of two (2) years after the effective date of this ordinance unless extended by further action of the Board of Supervisors.

Section 4. **Conditions of Moratorium; Penalty.**

(a) No permit or license shall be granted for any use, development or construction of crude oil and gas processing and support facilities.

(b) The use, development or construction of any facility for the purposes defined in Section 2 shall be prohibited for the duration of this ordinance.

(c) The City and County of San Francisco may commence an action to enjoin any actual or threatened use, development or construction of any crude oil and gas processing and support facilities in violation of this ordinance.

(d) Any person using, developing or constructing any crude oil and gas processing and support facilities in violation of this ordinance shall be guilty of a misdemeanor. Any person convicted of a misdemeanor shall be punished by a fine of not more than five hundred dollars ($500) or six (6) months in jail, or both. Each use, development or construction of such facilities in violation of this ordinance shall constitute a separate and distinct offense.

Section 5. **Planning Commission Study.**

(a) The City Planning Commission shall study the need for permanent and comprehensive controls and shall prepare prohibitory legislation for the Board of Supervisors to consider before the expiration of this ordinance or any duly enacted extension.

(b) Specifically, the City Planning Commission shall determine the following:

(1) The social, economic and physical impact of the use, development and construction of crude oil and gas processing and support facilities.

(2) The necessity for the absolute prohibition of the use, development and construction of crude oil and gas processing and support facilities.

Section 6. **Severability.**

If any provision or clause of this ordinance or its application to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other chapter provisions, and clauses of this chapter are declared to be severable.

APPENDIX 14: POLYTECHNIC HIGH REZONING

Adopted June 2, 1987

Adopting changes in property use classification as an amendment to the zoning map of the City and County of San Francisco of property located at 701 Frederick Street, Lot 34 in Block 1265 from a P (Public) to a RH-3 (House, Three Family) District.

Be it Ordained by the People of the City and County of San Francisco:

Section 1.

Pursuant to resolution of the Board of Supervisors, adopting the final negative declaration as its own, and pursuant to Section 302(c) of the City Planning Code, Part II, Chapter II of the San Francisco Municipal Code, the following change in property use classification, duly approved by resolution of the City Planning Commission, is hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco.

Use District to be Superseded	Use District Hereby Approved
P (Public)	RH-3 (House, Three-Family)

Description of Property

Beginning at a point on the northerly line of Carl Street, distant thereon 151.6 feet easterly from the easterly line of Arguello Boulevard; thence at a right angle northerly 275 feet; thence at a right angle easterly along the southerly line of Frederick Street 540.833 feet; thence at a right angle southerly 137.6 feet; thence at a right angle westerly 49.4 feet; thence at an angle of approximately 82 degrees southerly 139.25 feet; thence at an angle of approximately 98 degrees westerly along the northerly line of Carl Street to the point of beginning; being all of Lot 34 in Assessor's Block 1265.

APPENDIX 15: EXECUTIVE PARK

Adopted June 2, 1987

Amending Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) by amending Section 320 to provide an exemption from the city wide office limitation provisions for certain projects that would provide housing pursuant to a planned unit development authorization

NOTE: Additions are underlined; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco that Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending Section 320 to read as follows:

SEC. 320. OFFICE DEVELOPMENT: DEFINITIONS.

When used in Sections 320, 321, 322 and 323, the following terms shall each have the meaning indicated.

(a) "Additional office space" shall mean the number of square feet of gross floor area of office space created by an office development, reduced, in the case of a modification or conversion, by the number of square feet of gross floor area of preexisting office space which is lost.

(b) "Approval period" shall mean the twelve-month period beginning on October 17, 1985 and each subsequent twelve-month period.

(c) "Approve" shall mean to approve issuance of a project authorization and shall include actions of the City Planning Commission, Board of Permit Appeals and Board of Supervisors.

(d) "Completion" shall mean the first issuance of a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy as defined in San Francisco Building Code Section 307.

(e) "Disapprove" shall mean for an appellate administrative agency or court, on review of an office development, to direct that construction shall not proceed, in whole or in part.

(f) "Office space" shall mean space within a structure intended or primarily suitable for occupancy by persons or entities which perform for their own benefit or provide to others services at that location, including but not limited to professional, banking, insurance, management, consulting, technical, sales and design, or the office functions of manufacturing and warehousing businesses, but shall exclude the following: Retail use; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; any facility, other than physicians' or other individuals' offices and uses accessory thereto, customarily used for furnishing medical services, and design showcases or any other space intended and primarily suitable for display of goods. This definition shall include all uses encompassed within Section 219 of this Code.

(g) "Office development" shall mean construction, modification or conversion of any structure or structures or portion of any structure or structures, with the effect of creating additional office space, excepting only:

(1) Development which will result in less than 25,000 square feet of additional office space.

(2) Development either:

(i) Authorized under San Francisco Redevelopment Agency disposition or owner participation agreements which have been approved by Agency resolution prior to the effective date of this Section, or

(ii) Authorized prior to the effective date of this Section by Agency resolution in anticipation of such agreements with particular developers identified in the same or a subsequent agency resolution;

(3) Any development which is governed by prior law under Section 175.1(b) of this Code, unless modified after the effective date specified in Section 175.1(b) to add more than 15,000 square feet of additional office space. Any addition of office space up to 15,000 square feet shall count against the maximum for the approval period, pursuant to Section 321(a)(2)(B);

(4) Any development including conversion of 50,000 square feet or more of manufacturing space to office space where the manufacturing uses previously located in such space are relocated to another site within the City and County of San Francisco and the acquisition or renovation of the new manufacturing site is funded in whole or part by an Urban Development Action Grant approved by the Board of Supervisors;

(5) Any mixed-residential-commercial development which will be assisted by Community Development Block Grant funds approved by the Board of Supervisors in which all of the housing units shall be affordable to low-income households for a minimum of 40 years and for which an environmental review application and site permit application have been filed prior to the effective date of this ordinance which enacted the provisions of this Section.

(6) Any development authorized pursuant to a Planned Unit Development, as provided for by City Planning Code Section 304, providing for a total of five hundred (500) or more additional units of housing, provided such development first received a Planned Unit Development authorization prior to November 4, 1986. Such Planned Unit Development may be amended from time to time by the Planning Commission, but in no event shall any such amendment increase the amount of office space allowed for the development beyond the amount approved by the Planning Commission prior to November 4, 1986.

(h) "Project authorization" shall mean the authorization issued by the Department of City Planning pursuant to Sections 321 and 322 of this Code.

(i) "Replacement office space" shall mean, with respect to a development exempted by Subsection (g)(6) of this Section, that portion of the additional office space which does not represent a net addition to the amount of office space used by the occupant's employees in San Francisco.

(j) "Retail use" shall mean supply of commodities on the premises including, but not limited to, stores, shops, restaurants, bars, eating and drinking businesses, and the uses defined in Planning Code Sections 218 and 220 through 225.

(k) "Preexisting office space" shall mean office space used primarily and continuously for office use and not accessory to any use other than office use for five (5) years prior to Planning Commission approval of an office development project which office use was fully legal under the terms of San Francisco law.

APPENDIX 16: RESIDENTIAL UTILITY TAX

Adopted November 3, 1987

Prohibiting any local tax on residential gas, electricity, water or telephone bills.

Be it ordained by the People of the City and County of San Francisco:

SEC. 707.1 UTILITY USERS' TAX EXEMPTION.

(a) No tax shall be levied upon the use in the City and County of San Francisco by residential customers of telephone communication services, electrical energy or gas, water or steam which is delivered through mains or pipes or of any other utility service after June 30, 1988.

(b) For the purposes of this section, "residential customer" shall mean any customer paying for the utility service at a residential or domestic rate consistent with the rate schedule set by the California Public Utilities Commission or any other rate making authority.

(c) This section was adopted by the voters of San Francisco at the November 3, 1987 election and may be amended only by the vote of the electorate.

APPENDIX 17: HEALTH CARE COMMUNITY SERVICE

Adopted November 8, 1988

I. DECLARATION OF POLICY

The people of the City and County of San Francisco find and declare that this community has a vital public interest in available healthcare for all members of the community.

In recognition of that interest, the City and County voters adopted an amendment to the Charter in 1985 creating a Health Commission, charged among other duties with "(managing and controlling) . . . all matters pertaining to the preservation, promotion and protection of the lives, health and mental health of the inhabitants of the city and county . . ." (Section 3.697)

The people further find and declare that elimination or curtailment of health services by private hospitals and clinics in this community may have a detrimental effect on the health and well-being of this community.

Therefore, the people adopt this Community Health Care Planning Ordinance.

II. PROVISION OF HEALTHCARE TO THE COMMUNITY

Prior to closing a hospital inpatient or outpatient facility, eliminating or reducing the level of services provided, or prior to the leasing, selling or transfer of management, the hospital shall provide public notice, including notice posted at the entrance to the facility or facilities affected and mailed to the San Francisco Health Commission, of their intention. Such notice shall be posted and mailed not less than 90 days prior to the intended date of the action. The notice shall contain a detailed list of the proposed reductions or changes and the number of patients and employees affected by facility and service. The commission shall make findings based on evidence and testimony from public hearings that the proposed action will or will not have a detrimental impact on the health care service of the community.

The commission shall further explore in these public hearings what alternative means are available in the community to provide the service or services to be eliminated or curtailed.

It is the intent of the people of San Francisco that the meaning and effect of Section II of this ordinance be construed consistent with the purpose and construction of California Health and Safety Code Sections 1442 and 1442.5. The people further intend that this ordinance be construed consistent with applicable state and federal law.

APPENDIX 18: U.S.S. MISSOURI HOMEPORTING

ORDINANCE MAKING FINDINGS, IMPLEMENTING TERMS AND CONDITIONS OF U.S.S. MISSOURI HOMEPORTING MEMORANDUM OF UNDERSTANDING AND APPROPRIATING $2.0 MILLION FOR PROJECT.

Be it ordained by the People of the City and County of San Francisco:

Section 1 **Findings:**

In 1984 San Francisco, Long Beach and Honolulu were invited to submit bids for the homeporting of the U.S.S. Missouri. This process was part of a national homeporting program that included successful bids for naval stations by New York City and Everett, Washington.

San Francisco proposed that the Navy reactivate Hunters Point Naval Shipyard, continuing a century and a half tradition of a strong Navy presence in San Francisco.

After extensive environmental and economic study the Secretary of the Navy, in July 1985 designated San Francisco as the preferred berthing location for the USS Missouri and her up to ten ship cruiser-destroyer group.

The implementation of San Francisco as the homeport for the USS Missouri and other ships is contingent upon the City and County implementing the memorandum of understanding approved by the Board of Supervisors in August 1987.

The future of San Francisco's 140 year old ship repair industry is dependent upon work generated by homeported naval vessels. With homeporting the number of naval vessels berthed in the Bay Area will increase by fifty percent. Without homeporting the U.S.S. Missouri, the three shipyards operating from Port property and their sub-contractors, are in jeopardy of closing with the loss of a $150,000,000 a year industry and over 2,000 existing employees.

In order to preserve shipyard jobs and produce new ones, the Port has offered to fund $2,000,000 of dredging and to maintain required depths at Hunter's Point. The dredging will be paid for from Port surplus funds which can only be used for Port projects. By state law this money is not available to fund city services.

The economic benefits of homeporting were the subject of a 1987 Joint Report by the City Controller, Board of Supervisors Budget Analyst and Mayor's Office. Homeporting is estimated to produce annually over $56,000,000 of ship repair contracts, $25,000,000 of supply and fuel purchases and at least 400 maritime jobs.

The report found that homeporting is projected to result in $2,500,000 of new tax revenues each year to the City, while costing the City's General Fund less than $800,000 a year, primarily for additional Muni transit service to the Hunters Point area. At a time of budget shortages, the City's General Fund will net $1,700,000 each year from homeporting which can be used to support vital services throughout San Francisco.

In addition to shipyard jobs, homeporting is expected to generate approximately 2,000 new private sector civilian jobs in San Francisco and an additional 3,000 to 5,000 jobs in the Bay Area.

The Memorandum of Understanding contains a Bayview-Hunters Point community job training program, participated in by the City, the Navy, private industry and labor unions. It will have a positive impact on a community which desperately needs new jobs and the payroll they bring. The program agreed to by labor and management, includes promotion of local business contracting, the use of shipyard facilities for City College sponsored training programs, set aside of one out of every five construction and ship repair jobs for Bayview-Hunters Point residents, and a neighborhood targeted apprenticeship training program.

Major street, transit and traffic improvements will be made in the Bayview Hunters Point community to accommodate residents and the Naval station, including a $15,000,000 State financed Evans Avenue-Interstate 280 on/off-ramp project that has been requested by that neighborhood for almost twenty years to keep heavy truck traffic off Third Street. The City's share of the cost ($2,400,000) will be financed from voter approved bond proceeds which can only be used for public works projects. The Director of the California Department of Transportation has indicated that $12,600,000 of State money may not be forthcoming unless the U.S.S. Missouri comes to San Francisco, creating a regional imperative for the project.

The Hunters Point homeporting project was the subject of a legally required environmental impact review, which studied the impact of the project on air and water quality, traffic, jobs, toxics, housing, etc. Dredging required to accommodate the U.S.S. Missouri and her ten ship cruiser-destroyer received a special $1,500,000, 14 site, nine month environmental study which determined that the project can proceed without harming the Bay. The environmental impact study showed that less dredging is needed at Hunters Point than at any other proposed site, such as Treasure Island or Alameda.

After extensive testing and evaluation and many public hearings, the Federal Environmental Protection Agency and the San Francisco Planning Commission carefully evaluated the proposed dredging, toxic clean-up requirements and other impacts of the project and determined that the environmental review process was adequate and that impacts to the environment could be mitigated. In fact, the homeporting project will enhance the environment by requiring the Federal Government to accelerate clean-up of toxic wastes generated by prior industrial activities at the shipyard.

The memorandum of understanding commits the City to the relocation within San Francisco of small businesses currently operating from the shipyard and will conduct space need surveys, assist in the search for new facilities including the use of surplus buildings at Pier 70, and provide low interest loans for capital costs incurred through relocation.

Though homeporting will bring to the Bayview-Hunters Point community over 5000 Navy personnel and 1500 Navy families, the impact on the area will be minimal as compared to other land use proposals that would double the density of development. The project's housing requirements will be met by the construction of 1500 units of privately built and operated Navy family housing to accommodate Navy personnel. With most sailors living on base, traffic and transit impacts will not be excessive.

The City and County of San Francisco has a long tradition of hospitality to military men and women. Homeporting is an open demonstration of the City's traditional welcome to sailors and their families and of San Francisco's responsibility to share in the defense of our nation.

The Board of Supervisors adopted Resolution Number 710-87 approving in principal a memorandum of understanding between the United States Navy and the City and County of San Francisco agreeing to the USS Missouri Hunters Point homeporting project.

The Secretary of the Navy has stated that Congressional direction prohibits the berthing of the U.S.S. Missouri and other ships at Hunters Point unless the Memorandum of Understanding is implemented by San Francisco.

The citizens of the City and County of San Francisco are supportive of the USS Missouri homeporting project and by this ordinance, subject to the budgetary and fiscal provisions of the Charter, intend to bind and commit the City to implement the provisions of the 1987 Homeporting Memorandum of Understanding.

Section 2 **Contract:**

The City and County of San Francisco hereby binds and commits itself, subject to the budgetary and fiscal provisions of the Charter, to implement the provisions of the Hunters Point homeporting memorandum of understanding contained in Board of Supervisors file number 93-87-6 (which is incorporated by reference), and to expeditiously process and approve such administrative and legislative actions as are necessary to carry out the intent of the MOU, subject to modifications which from time to time may be mutually agreed to by the City and the U.S. Navy or required by Federal and State environmental agencies. The governmental representatives employed by the City are hereby directed to seek implementation by the State and Federal governments of the terms and conditions of the memorandum of understanding as expeditiously as possible.

Section 3 **Funding:**

Subject to Section IIA. of the U.S.S. Missouri Homeporting Memorandum of Understanding, the City and County hereby appropriates for a capital project from any unappropriated surplus revenues of the Port of San Francisco or any legally available funds, $2,000,000 to fund dredging projects at Hunters Point Naval Station Annex. The Controller is directed to prepare all necessary documentation to process this appropriation. Should the Port Commission fail to contract within 120 days from receipt of a request by the Commander, Naval Base San Francisco, to undertake approved and permitted dredging, the controller is hereby directed to immediately transfer said dredging funds to the United States Navy.

APPENDIX 19: NEIGHBORHOOD BEAUTIFICATION AND GRAFFITI CLEANUP FUND OPTION

Adopted June 5, 1990

Adding Sections 10.98 and 10.98-1 to the San Francisco Administrative Code to establish a Neighborhood Beautification and Graffiti Clean-up Fund and specifying the purposes therefor and amending Part III, San Francisco Municipal Code, by adding Article 12B-1 thereto, to provide that any business which owes a payroll expense tax or business tax may elect to designate a certain portion of the tax for deposit in the Neighborhood Beautification and Graffiti Clean-up Fund.

Be it Ordained by the People of the City and County of San Francisco:

Section 1.

The San Francisco Administrative Code is hereby amended by adding Sections 10.98 and 10.98-1 thereto, to read as follows:

SEC. 10.98. **NEIGHBORHOOD BEAUTIFICATION AND GRAFFITI CLEAN-UP FUND: FINDINGS AND INTENT.**

(a) **Findings.**

The proliferation of graffiti on public buildings and other public property has created a blight which offends both citizens of and visitors to San Francisco. The removal of such graffiti will enhance the beauty of the city in which we live and will encourage others to visit and to relocate here. Removal will thus both reflect and renew our civic pride and contribute to our economic viability. Providing a source of funds for the promotion of neighborhood beautification projects will support the efforts of local residents and businesses to improve the quality of life for San Francisco residents and the local economy, and assist in reducing the amount of graffiti in San Francisco.

(b) **Statement of Intent.**

The Board of Supervisors wishes to address the above concerns by establishing a neighborhood beautification and graffiti clean-up fund which will promote neighborhood beautification projects, including projects designed to improve the environmental quality of neighborhoods, and finance the clean-up of graffiti on public property.

SEC. 10.98-1. **NEIGHBORHOOD BEAUTIFICATION AND GRAFFITI CLEAN-UP FUND: ESTABLISHMENT; ACCEPTANCE OF GIFTS; DUTIES.**

(a) Establishment of Fund. There is hereby established a special fund for the purpose of receiving all donations of money which may be collected by the City and County of San Francisco for the purposes enumerated in Section 10.98(b). Monies deposited in the fund shall only be expended for the purposes enumerated therein, provided that such expenditures shall include reimbursement to City and County departments for expenses incurred in the administration of the fund. The special fund shall be known and designated as the Neighborhood Beautification and Graffiti Clean-up Fund.

(b) Acceptance of Gifts. All donations of money which may be offered to the Neighborhood Beautification and Graffiti Clean-up Fund are hereby accepted for such purposes. Any grants, gifts and bequests from private sources for this purpose shall be deposited into said special fund.

(c) Duties of the Chief Administrative Officer.

1. The Chief Administrative Officer, or his or her designee, shall be responsible for the administration of the Neighborhood Beautification and Graffiti Clean-up Fund, and shall have all such authority as may be reasonably necessary to carry out those responsibilities.

2. The Chief Administrative Officer shall promulgate such rules and regulations as he or she may deem appropriate to carry out the provisions of this Section and Section 10.98. Before issuing or amending any rules and regulations, the Chief Administrative Officer shall provide a thirty (30) day public comment period by providing published notice in an official newspaper of general circulation in the City of the intent to issue or amend the rules and regulations. The rules and regulations shall be approved by resolution of the Board of Supervisors. Such rules and regulations shall include, but not be limited to, the qualifications of applicants and factors to be considered in the award of grants to fund programs to help remove graffiti and promote neighborhood beautification projects, including preference for the following projects: youth programs and innovation, projects that are neighborhood generated, and projects designed to benefit areas of San Francisco that are economically disadvantaged.

3. The Chief Administrative Officer shall submit a semi-annual report to the Board of Supervisors setting forth an accounting of the amounts disbursed and the uses for which said funds were made.

(d) Budgetary and Fiscal Provisions of the Charter. The monies in this fund are subject to the budgetary and fiscal provisions of the Charter and may be expended only when authorized by appropriation ordinance of the Board of Supervisors.

(e) Interest. Interest earned from the Neighborhood Beautification and Graffiti Clean-up Fund shall become part of the principal thereof, and shall not be expended for any purpose other than that for which said fund is established.

(f) Accumulation of Monies in Fund. The balance remaining in the Neighborhood Beautification and Graffiti Clean-up Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Charter Section 6.306 and shall be carried forward and accumulated in said fund for the purposes recited herein.

Section 2.

Part III of the San Francisco Municipal Code is hereby amended by adding Article 12B-1 thereto, to read as follows:

ART. 12B-1
NEIGHBORHOOD BEAUTIFICATION AND GRAFFITI CLEAN-UP FUND TAX OPTION.

SEC. 1030. **Initial Option.**

Commencing in tax year 1990, any business, as defined in Section 1002.1 of this Code, that is subject to the Payroll Expense Tax or the Business Tax may elect to designate up to one per cent (1%) of its tax liability for deposit in the Neighborhood Beautification and Graffiti Clean-Up Fund.

SEC. 1031. **Amount of Fund Annually.**

It is the intent of the voters of the City and County of San Francisco that one million dollars ($1,000,000.00), derived from tax proceeds designated by the taxpayers pursuant to Section 1031, shall be deposited annually into the Neighborhood Beautification and Graffiti Clean-Up Fund. The Controller shall annually adjust this figure for inflation to reflect changes in the most recently available U.S. Bureau of Labor Statistics Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-San Jose Metropolitan Area, or its successor index.

SEC. 1032. **Subsequent Option.**

For each tax year after 1990, the Controller shall determine the amount of fund revenues actually generated in the prior year, including the interest thereon and the balance, if any, remaining at the close of the tax year. On the basis of the prior year's experience of taxpayer contributions and total revenues generated by the payroll expense and business taxes, the Controller shall calculate a percentage ceiling of total tax liability which taxpayers may designate for deposit in the fund the following tax year. The Controller shall set the percentage ceiling so that the revenues produced thereby are most likely to generate a total of one million dollars (adjusted for inflation) in the fund for the forthcoming tax year. The Controller shall transmit his or her calculation to the Board of Supervisors, which shall adopt a new tax designation ceiling, if necessary, in advance of the tax

year to enable the tax collector to perform his or her collection duties.

SEC. 1033. **Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this initiative ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this initiative ordinance or any part thereof. The People of the City and County of San Francisco hereby declare that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. In addition, the voters declare their intention that should any portion of this initiative ordinance or all of it be declared invalid in whole or in part, such invalidity shall have no effect upon the continued validity of the Payroll Expense Tax and Business Tax.

APPENDIX 20: WATERFRONT LAND USE

Adopted November 6, 1990

Amending the San Francisco Administrative Code by adding a new chapter on waterfront land use

Be it Ordained by the People of the City and County of San Francisco that the Administrative Code is hereby amended by adding a new Chapter as follows:

Section 1.—Findings and Declaration of Policy

The people of the City and County of San Francisco find and declare:

a. Whereas, the waterfront of San Francisco is an irreplaceable public resource of the highest value;

b. Whereas, the most beneficial and appropriate use of the waterfront is for purposes related to and dependent on their proximity to San Francisco Bay and the Pacific Ocean, such as maritime uses, public access to, and restoration of, San Francisco Bay;

c. Whereas, San Francisco holds the waterfront in trust for the People of California;

d. Whereas, maritime uses, public access to, and restoration of San Francisco Bay serve San Francisco residents, and provide significant economic, social and environmental benefits to San Francisco and its residents, including a diversity of employment opportunities and better access to a healthier San Francisco Bay;

e. Whereas, the waterfront contains structures of historical and architectural importance;

f. Whereas, it is poor planning to approve waterfront land uses on an ad hoc basis, rather than as part of a comprehensive waterfront land use plan;

g. Whereas, it is in the interest of San Francisco to develop a strong and economically vital waterfront with adequate public access to and restoration of San Francisco Bay; and

h. Whereas, changing conditions in the maritime industry such as deeper draft vessels and increased awareness of the negative environmental impacts of dredging and dredge-spoil dumping indicate that cargo handling at the Port of San Francisco could increase dramatically;

Therefore the people of San Francisco declare that it is the policy of the City and County of San Francisco that:

a. the waterfront be reserved for maritime uses, public access, and projects which aid in the preservation and restoration of the environment;

b. where such land uses are infeasible or impossible, only acceptable non-maritime land uses as set forth in this ordinance shall be allowed;

c. a waterfront land use plan shall be prepared (as set forth in Section 2 of this ordinance) to further define acceptable and unacceptable non-maritime land uses and to assign land uses for specific waterfront parcels.

Section 2.—Land Use Planning Process

a. Upon adoption of this initiative, the Board of Supervisors shall within 30 days request the Port Commission to prepare a "Waterfront Use Land Plan" which is consistent with the terms of this initiative for waterfront lands as defined by this ordinance. Should the Port Commission not agree to this request within 30 days of the Board of Supervisors request, the Board of Supervisors shall have 30 days to designate a different City agency or department to prepare the "Waterfront Land Use Plan."

b. The agency drafting the "Waterfront Land Use Plan" shall consult the City Planning Commission to ensure development of a plan consistent with the City's Master Plan. The final plan and any subsequent amendments thereto shall be subject to a public hearing conducted by the City Planning Commission to ensure consistency between that plan and the City's Master Plan.

c. The "Waterfront Land Use Plan" shall define land uses in terms of the following categories:

1. Maritime land uses;
2. Acceptable non-maritime land uses; and
3. Unacceptable non-maritime land uses.

Land uses included in these categories which are not part of the initial ordinance shall be added to Sections 3 through 5 of this ordinance as appropriate. No deletions from Sections 3 through 5 shall be allowed unless approved by the voters of San Francisco;

d. No City agency or officer may take, or permit to be taken, any action to permit the new development of any non-maritime land use (except those land uses set forth in Section 4 below) on the waterfront until the "Waterfront Land Use Plan" has been completed. Non-maritime land uses existing, or which have all their necessary permits, as of January 1, 1990, shall be exempt from this limitation.

e. The "Waterfront Land Use Plan" shall be reviewed by the agency which prepared it or by such other agency designated by the Board of Supervisors at a minimum of every five years, with a view toward making any necessary amendments consistent with this initiative.

f. The "Waterfront Land Use Plan" shall be prepared with the maximum feasible public input.

Section 3.—Maritime Land Uses.

Maritime Land Uses include but are not limited to:

a. Maritime cargo handling and storage facilities;
b. Ship repair facilities;
c. Fish processing facilities;
d. Marinas and boat launch ramps;
e. Ferry boat terminals;
f. Cruise ship terminals;
g. Excursion and charter boat facilities and terminals;
h. Ship berthing facilities;
i. Maritime construction and maritime supply facilities;
j. Marine equipment and supply facilities;
k. A list of additional maritime land uses developed as part of the Waterfront Land Use Planning process shall be included in the "Waterfront Land Use Plan" and added to this section.

Section 4.—Acceptable Non-maritime Land Uses

Acceptable non-maritime land uses include but are not limited to:

a. Parks;
b. Esplanades;
c. Wildlife habitat;
d. Recreational fishing piers;
e. Restoration of the ecology of San Francisco Bay and its shoreline;
f. Transit and traffic facilities; and
g. A list of additional acceptable non-maritime land uses developed as part of the Waterfront Land Use Planning process shall be included in the "Waterfront Land Use Plan" and added to this section.

Section 5.—Unacceptable Non-maritime Land Uses

a. Criteria for Consideration in Determining Unacceptable Non-maritime Land Uses

Criteria to be considered in making findings regarding the acceptability of any specific land use on the waterfront shall include but are not limited to:

1. Does the land use need to be located on the waterfront in order to serve its basic function?
2. Is the land use compatible with existing or planned maritime operations on surrounding parcels if any?
3. Does the land use provide the maximum feasible public access?
4. Does the land use improve the ecological balance of San Francisco Bay?
5. Does the land use protect the waterfront's architectural heritage?
6. Does the land use represent the best interests of the people of the City and County of San Francisco and/or the State of California?

b. Prohibition of Unacceptable Non-maritime Land Uses

No City agency or officer may take, or permit to be taken, any action to permit the development of any unacceptable non-maritime land use (as set forth below) on the waterfront.

c. Listing of Unacceptable Non-maritime Land Uses

The following land uses are found to be unacceptable non-maritime land uses:

1. Hotels

The City finds that hotels do not need to be located on the waterfront, and permitting their development on the waterfront will displace or preclude maritime uses;

The City finds that waterfront hotels do not provide the economic benefits provided by maritime employment;

The City finds that waterfront hotels do not provide high quality public access to, or permit restoration of, San Francisco Bay;

The City finds that waterfront hotels do not serve the needs of San Francisco or its residents;

The City therefore finds that hotels are an unacceptable non-maritime land use and shall not be permitted on the waterfront.

2. A list of additional unacceptable non-maritime land uses developed as part of the Waterfront Land Use Planning process shall be included in the "Waterfront Land Use Plan" and added to this section.

d. Grandfathering of Existing Unacceptable Non-maritime Land Uses

This initiative shall not prevent any unacceptable non-maritime land use existing as of January 1, 1990 from continuing in operation or expanding on its existing site in a manner consistent with all other applicable laws and regulations. At such time as a new land use is proposed for the site of a business existing as of January 1, 1990 that new land use must meet the conditions set forth in this ordinance.

Section 6.—Definitions

a. "City agency or officer" means the Board of Supervisors, and all other city commissions, boards, officers, employees, departments or entities whose exercise of powers can be affected by initiative.

b. "Action" includes, but is not limited to:

1. amendments to the Planning Code, and Master Plan;

2. issuance of permits or entitlements for use by any City agency or officer;

3. approval, modification or reversal of decisions or actions by subordinate City agencies or officers;

4. approval of sales or leases pursuant to Section 7.402 and 7.402-1 of the Charter of the City and County of San Francisco;

5. approval of or amendments to Redevelopment Plans; and

6. any other action, including but not limited to projects as defined in Public Resources Code Section 21065.

c. "Waterfront" means land transferred to the City and County of San Francisco pursuant to Chapter 1333 of the Statutes of 1968, as well as any other property which is owned by or under the control of the Port Commission of San Francisco, and which is also in any of the following areas:

1. piers;

2. the shoreline band as defined in Government Code Section 66610(b), between the Golden Gate National Recreation Area and the intersection of The Embarcadero and Berry Street, except for the area south of Jefferson Street between Hyde Street and Powell Street.

3. the shoreline band as defined in Government Code Section 66610(b), in the area bounded by San Francisco Bay, Berry, Third, and Evans Streets, Hunter's Point Boulevard, and a straight line from the intersection of Hunter's Point Boulevard and Innis Avenue to the intersection of Carroll Avenue and Fitch Street; and

4. the area south of Pier 98 in which all new development is subject to the Shoreline Guidelines, as shown on Map 8 (Eastern Shoreline Plan) of the Recreation and Open Space element of the San Francisco Master Plan, in effect as of January 1, 1990.

d. "San Francisco Bay" means the area defined in Government Code Section 66610(a) which is the City and County of San Francisco, except for areas west of Third Street.

e. All references to public roads are to their alignments as of January 1, 1990.

f. "Hotel" means any use falling within the definition in Section 314.1(g) of the San Francisco Planing Code in effect as of January 1, 1990; any waterside hotel having docks to accommodate persons traveling by boat; or any facilities for providing temporary or transient occupancy. This shall not include boat berths which are provided for temporary moorage of boats.

Section 7.—Implementation

Within 180 days of the effective date of this ordinance, the City and County shall:

a. amend its Master Plan, Planning Code, and other relevant plans and codes in a manner consistent with this ordinance;

b. request and apply for conforming amendments to all applicable state and regional plans and regulations; and

c. begin preparation of the "Waterfront Land Use Plan" required under Section 2 of this ordinance.

Section 8.—Severability

If any portion of this ordinance, or the application thereof, is hereafter determined to be invalid by a court of competent jurisdiction, all remaining portions of this ordinance, or application thereof, shall remain in full force and effect. Each section, subsection, sentence, phrase, part, or portion of this ordinance would have been adopted and passed irrespective of the fact that any one or more sections, subsections, sentences, phrases, parts or portions be declared invalid or unconstitutional.

Section 9.—Amendment and Repeal

No part of this ordinance or the amendments made pursuant to Section 7 hereof may be amended or repealed except by a vote of the electors of the City and County of San Francisco, except for those additional listings provided herein in Sections 3, 4, and 5.

Section 10.—Chaptering of this Ordinance

After the adoption of this ordinance the Clerk of the Board of Supervisors shall assign a Chapter number to this ordinance and shall renumber the sections of this ordinance in an appropriate manner.

APPENDIX 21: RECOGNITION OF DOMESTIC PARTNERSHIPS

Adopted November 6, 1990

Amending the San Francisco Administrative Code by adding a new chapter on recognition of domestic partnerships

The People amend the San Francisco Administrative Code by adding a new Chapter to read:

RECOGNITION OF DOMESTIC PARTNERSHIPS

Sec. 1. PURPOSE

The purpose of this ordinance is to create a way to recognize intimate committed relationships, including those of lesbians and gay men who otherwise are denied the right to identify the partners with whom they share their lives. All costs of registration must be covered by fees to be established by ordinance.

Sec. 2. DEFINITIONS

(a). Domestic Partnership. Domestic Partners are two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring, who live together, and who have agreed to be jointly responsible for basic living expenses incurred during the Domestic Partnership. They must sign a Declaration of Domestic Partnership, and establish the partnership under section 3 of this chapter.

(b). "Live Together." "Live together" means that two people share the same living quarters. It is not necessary that the legal right to possess the quarters be in both of their names. Two people may live together even if one or both have additional living quarters. Domestic Partners do not cease to live together if one leaves the shared quarters but intends to return.

(c). "Basic Living Expenses." "Basic living expenses" means the cost of basic food and shelter. It also includes the expenses which are paid at least in part by a program or benefit for which the partner qualified because of the domestic partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the costs.

(d). "Declaration of Domestic Partnership." A "Declaration of Domestic Partnership is a form provided by the county clerk. By signing it, two people agree to be jointly responsible for basic living expenses which they incur during the domestic partnership and that this agreement can be enforced by anyone to whom those expenses are owed. They also state under penalty of perjury that they met the definition of domestic partnership when they signed the statement, that neither is married, that they are not related to each other in a way which would bar marriage in California, and that neither had a different domestic partner less than six months before they signed. This last condition does not apply if the previous domestic partner died. The form will also require each partner to provide a mailing address.

Sec. 3. ESTABLISHING A DOMESTIC PARTNERSHIP

(a). Methods. Two persons may establish a Domestic Partnership by either:

1. presenting a signed Declaration of Domestic Partnership to the County Clerk, who will file it and give the partners a certificate showing that the Declaration was filed; or

2. having a Declaration of Domestic Partnership notarized and giving a copy to the person who witnessed the signing (who may or may not be the notary).

(b). Time Limitation. A person cannot become a member of a Domestic Partnership until at least six months after any other Domestic Partnership of which he or she was a member ended. This does not apply if the earlier domestic partnership ended because one of the members died.

(c). Residence Limitation. The county clerk will only file Declaration of Domestic Partnership if:

1. the partners have a residence in San Francisco; or

2. at least one of the partners works in San Francisco.

Sec. 4. ENDING DOMESTIC PARTNERSHIPS

(a). When the Partnership Ends. A Domestic Partnership ends when:

1. one partner sends the other a written notice that he or she has ended the partnership; or

2. one of the partners dies; or

3. one of the partners marries or the partners no longer live together.

(b). Notice the Partnership has ended.

(1) To Domestic Partners. When a Domestic Partnership ends, at least one of the partners must sign a notice saying that the partnership has ended. The notice must be dated and signed under penalty of perjury. If the Declaration of Domestic Partnership was filed with the county clerk, the notice must be filed with the clerk; otherwise, the notice must be notarized. The partner who signs the notice must send a copy to the other partner.

(2) To Third Parties. When a Domestic Partnership ends, a Domestic Partner who has given a copy of a Declaration of Domestic Partnership to any third party, (or, if that partner has died, the surviving member of the domestic partnership) must give that third party a notice signed under penalty of perjury stating the partnership has ended. The notice must be sent within 60 days of the end of the Domestic Partnership.

(3) Failure to Give Notice. Failure to give either of the notices required by this subsection will neither prevent nor delay termination of the Domestic Partnership. Anyone who suffers any loss as a result of failure to send either of these notices may sue for actual losses.

Sec. 5. COUNTY CLERK'S RECORDS

(a). Amendments to Declarations. A Partner may amend a Declaration of Domestic Partnership filed with the County Clerk at any time to show a change in his or her mailing address.

(b). New Declarations of Domestic Partnership. No person who has filed a declaration of Domestic Partnership with the county clerk may file another declaration of Domestic Partnership until six months after a notice the partnership has ended has been filed. However, if the Domestic Partnership ended because one of the partners died, a new Declaration may be filed anytime after the notice the partnership ended is filed.

(c). Maintenance of County Clerk's Records. The County Clerk will keep a record of all Declarations of Domestic Partnership, Amendments to Declarations of Domestic Partnership and all notices that a partnership has ended. The records will be maintained so that Amendments and notices a partnership has ended are filed with the Declaration of Domestic Partnership to which they apply.

(d). Filing Fees. The Board of Supervisors will set the filing fee for Declarations of Domestic Partnership and Amendments. No fee will be charged for notices that a partnership has ended. The fees charged must cover the city's cost of administering this ordinance.

Sec. 6. LEGAL EFFECT OF DECLARATION OF DOMESTIC PARTNERSHIP

(a). Obligations. The obligations of domestic partners to each other are those described by the definition.

(b). Duration of Rights and Duties. If a domestic partnership ends, the partners incur no further obligations to each other.

Sec. 7.

Upon adoption, the Clerk of the Board shall codify this amendment into the San Francisco Administrative Code.

APPENDIX 22: ORDINANCE PROHIBITING HARASSING OR HOUNDING SOLICITATION

Adopted November 3, 1992

An Ordinance amending the San Francisco Municipal Code, Part II, Chapter 8 (Police Code) by adding Section 120-1 thereto prohibiting harassing or hounding acts in connection with soliciting money or any other valuable thing.

Be it ordained by the people of the City and County of San Francisco:

Section 1.

The San Francisco Municipal Code, Part II, Chapter 8 (Police Code) is hereby amended by adding Section 120-1 thereto reading as follows:

SEC. 120-1. AGGRESSIVE SOLICITING PROHIBITED.

(a) **Findings.** The people of the City and County of San Francisco find that aggressive solicitation for money directed at residents, visitors, and tourists in areas of the City open to the public imperils their safety and welfare. This conduct in turn jeopardizes the City's economy by discouraging visitors and prospective customers from coming to San Francisco for business, recreation, and shopping. This conduct also threatens to drive City residents out of the City for their recreational and shopping activities. Further, the people find that aggressive solicitation undermines the public's basic right to be in and enjoy public places without fear that they will be pursued by others seeking handouts. The people further find that no state laws address or protect the public from these problems.

(b) **Prohibition.** In the City and County of San Francisco, it shall be unlawful for any person on the streets, sidewalks, or other places open to the public, whether publicly or privately owned, including parks, to harass or hound another person for the purpose of inducing that person to give money or other thing of value.

(c) **Definitions.** For the purpose of this ordinance, an individual (solicitor) harasses or hounds another (solicitee) when the solicitor closely follows the solicitee and requests money or other thing of value, after the solicitee has expressly or impliedly made it known to the solicitor that the solicitee does not want to give money or other thing of value to the solicitor.

(d) **Penalties.**

(1) Any person violating any provision of this section shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less than $50 or more than $100, and/or community service, for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than $200 or more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. In any accusatory pleading charging a violation of this section, if the defendant has been previously convicted of a violation of this section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this section a second time within a thirty day period shall be guilty of a

misdemeanor and shall be punished by a fine of not less than $300 and not more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this section a third time, and each subsequent time, within a thirty day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $400 and not more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(e) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The voters hereby declare that they would have adopted this Section notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

APPENDIX 23: GEARY BOULEVARD / DIVISADERO STREET SPECIAL USE DISTRICT

Adopted November 3, 1992

An Ordinance creating the Geary Boulevard / Divisadero Street Special Use District to allow for the development of a medical out-patient clinic affiliated with and operated by a health maintenance organization and adopting land use controls and appeal procedures governing such a development.

NOTE: This entire section is new.

SECTION 1. Legislative Intent and Findings.

The people of the City and County of San Francisco find that:

A. The inclusion of preventive health-care as an integral part of a comprehensive health-care delivery system by a health maintenance organization would provide residents and their families in San Francisco with affordable health-care. Affordable health-care is a quality of life issue and is as essential as food and shelter for all persons.

B. The ability to provide preventive health-care in a timely manner is critical to minimizing the costs of health-care in the City, the State and the United States. A lack of sufficient out-patient clinics to provide preventive health-care and timely diagnosis has resulted in long time delays for routine health-care maintenance.

C. The present City Planning Code defines out-patient clinic space which provides preventive health-care as an integral part of a comprehensive health-care delivery system by a health maintenance organization as medical offices.

D. Due to the unavailability of land within the boundaries of existing health maintenance organization campuses, expansion of out-patient clinics requires either the purchase of additional land or the leasing of privately developed facilities adjacent thereto.

E. Out-patient clinics which provide preventive care and other health-care services only to members of a health maintenance organization or to individuals required by law should be centralized in order to minimize duplication of equipment and personnel which ultimately results in higher health-care costs. Centralization of such facilities would assure the continued quality of life in our residential neighborhoods.

F. Such out-patient facilities should be located in an area which is well served by public transit and adjacent to a major thoroughfare, the predominate use of such proposed facility being essentially non-residential in character.

G. Within one block of this Special Use District, there are four (4) MUNI lines. Therefore, this Special Use District is easily accessible by public transit. Adequate off-street parking will be required to meet the needs of any development on this Special Use District.

H. The area to be reclassified is surrounded by institutional, retail and other commercial uses with minor residential uses. Only seven dwelling units will be demolished for the development of an out-patient clinic serving more than 27% of the City's population.

I. The creation of this Special Use District is necessary in order to insure that adequate out-patient facilities exist so that members of health maintenance organizations will receive timely preventive health-care. Such out-patient facilities will include, but not be limited to, AIDS infusion centers, physicians' offices for office visits, and other treatment and diagnostic facilities for out-patient care.

J. Such out-patient facilities should not be burdened by the lengthy and cumbersome permit review process under the present City Planning Code

which would add substantially to the cost of constructing such out-patient facilities with an attendant health-care cost increase for their members. Therefore, different land use controls and review procedures are needed to insure members of a health maintenance organization will receive quality and affordable health-care with an emphasis on preventive medical care.

K. Health maintenance organizations presently serve a large number of San Franciscans and their families and are important community facilities necessary to insure the health, safety and welfare of the City's residents. Therefore, the creation of a Special Use District allowing the development of out-patient clinics for a health maintenance organizations will promote the health, safety and welfare of the residents of San Francisco.

L. On balance, the creation of this Special Use District is consistent with the provisions of Section 101.1(b) of the City Planning Code.

SECTION 2.

Amending Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) by adding Section 249.13 to read as follows:

(a) General. A Special Use District entitled the Divisadero Street/Geary Boulevard Special Use District, consisting of Lots 5, 5A, 6, 7, 8, 9, 9A, 10, 11 and 12 of Assessor's Block 1079 is hereby established for the purposes set forth below.

(b) Purposes. The following controls, imposed in the Geary Boulevard/Divisadero Street Special Use District, will advance the policies of the Commerce and Industry Element of the City's Master Plan in that they will encourage the expansion of needed health services, yet manage such expansion ensuring the preservation and integrity of residential neighborhoods in the City, and will promote the provision of adequate health services to all geographical districts and cultural groups within the City.

(c) Controls. The specific controls set forth herein shall apply only to the development of out-patient facilities affiliated with and operated by a health maintenance organization solely for the benefit of its members. Any development which does not meet the purposes set forth herein shall be governed by the underlying zoning controls.

(1) Design Review By Planning Commission. An applicant submitting an application for a proposed development and use pursuant to this Section shall be required to submit an application for design review by the Planning Commission. The design review application may be submitted concurrently with or before a building permit application.

(2) Fees. In addition to the building permit review fee set forth in Section 352, the project sponsor shall pay a fee of fifteen thousand dollars ($15,000.00) per application to compensate the Department of City Planning for compliance with this Section.

(3) Principal Permitted Uses. Ground floor uses shall be limited to those set forth for NC-3 Districts. Upper floor uses shall be limited to out-patient facilities, including physicians' offices needed to providing preventive health-care, and accessory administrative uses affiliated with and operated by a health maintenance organization, provided however that the accessory administrative use shall not occupy more than 15% of the floor area subject to the floor area ratio. For the purposes of interpreting "out-patient facilities" under this section, such facilities shall not be deemed an office use subject to the provisions of Sections 309 through 325 et seq.

(4) Basic Floor Area Ratio. The basic floor area ratio shall be six (6) to one (1). The provisions of Sections 102.9 and 102.10 defining gross floor area shall be used for calculating the floor area ratio. In addition to the floor area excluded from the floor area ratio calculation set forth in Sections 102.9 (b)(1) through 102.9(14) inclusive, and Section 102.10, dwelling units and other residential uses as defined in this ordinance shall be exempted from the floor area calculation.

(5) Dwelling Unit Density and Residential Use. The dwelling unit density shall be governed by the underlying zoning classification as set forth in Sections 207, 207.1, 209.1 and 209.2 of this Code. For the purposes of this section, residential use shall include rooms or beds used by out-patients receiving medical treatment at the health maintenance organization, including but not limited to patients receiving treatment at the AIDS infusion center, or receiving chemo-therapy treatment, regardless of the length of stay of such out-patients.

(6) Height And Bulk Restrictions. The applicable Height and Bulk for this Special Use District shall be 105-X.

(7) Rear Yards. The requirements of this Code applicable to rear yards and applicable to dwelling

units or other residential use may be modified by the Planning Commission as part of the design review, if all of the following conditions are met:

(A) The interior block open space formed by the rear yards of the abutting properties will not be adversely affected;

(B) A comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents; and

(C) The access to light and air for abutting properties will not be significantly impeded.

(8) Required Set-Backs. The Planning Commission may impose a side set-back of up to 15 feet above the building height of 65 feet if it determines that this requirement is necessary to achieve a superior architectural design.

(9) Demolitions. Demolition of any building containing residential uses and any conversion from residential to non-residential uses above the ground floor shall be permitted provided that the notice and relocation assistance provisions of Chapter 37 of the San Francisco Administrative Code (The San Francisco Residential Rent Arbitration and Stabilization Ordinance) are met.

If the Commission determines, during its design review, that the public benefits to be gained do not outweigh the adverse impacts from the demolition of the residential units, the Commission may impose conditions to reduce such adverse impact. The conditions may require that the applicant pay to the City Controller the sum of one hundred thousand dollars ($100,000.00) to mitigate the loss of housing units. Said amount paid to the City shall thereafter be used exclusively for the development of housing affordable to individuals or households with income not to exceed 80% of the median income of the San Francisco Standard Metropolitan Areas as defined by HUD.

(10) Parking. One (1) off-street parking space for every 500 square feet of occupied floor area of out-patient facility space and accessory use space shall be provided. The provisions of Section 151 of this Code shall govern off-street parking requirements for all other allowable uses in this Special Use District. The Planning Commission may reduce the off-street parking requirement if it finds that all or part of the off-street parking requirement is provided by existing off-street parking serving the health maintenance organization, and that such off-street parking is located within one block of the Special Use District.

(11) Appeal. The decision of the Planning Commission may be appealed to the Board of Permit Appeals within fifteen (15) days after action by the Planning Commission on the design review application. The procedure for appeal shall be as described in Section 308.2. The decision of the Planning Commission, or that of the Board of Permit Appeals on appeal shall constitute a final determination on all land use and Planning Code issues, except for review by a court of competent jurisdiction. Review by the Board of Permit Appeals on the issuance of a building or site permit for a proposed structure for this Special Use District shall be limited to issues arising out of the San Francisco Building Code, Health Code and Fire Code.

SECTION 3. Severability.

If any part of this ordinance is held to be unconstitutional or otherwise invalid, that shall not affect the validity of any remaining part or parts of this ordinance. The people of the City and County of San Francisco hereby declare that they would have passed each part of this ordinance irrespective of the unconstitutionality or invalidity of any other part or parts thereof.

APPENDIX 23A: RESIDENTIAL RENT STABILIZATION AND ARBITRATION ORDINANCE

Proposition H, Adopted, November 3, 1992

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Sections 37.1 and 37.3(a)(1) thereof to read as follows:

NOTE: Additions or substitutions are indicated by bold face type; deletions are indicated by ~~strike-out type~~.

Sec. 37.1 Title & Findings.

(a) This chapter shall be known as the Residential Rent Stabilization and Arbitration Ordinance.

(b) The Board of Supervisors hereby finds:

(1) There is a shortage of decent, safe and sanitary housing in the City and County of San Francisco resulting in a critically low vacancy factor.

(2) Tenants displaced as a result of their inability to pay increased rents must relocate but as a result of such housing shortage are unable to find decent, safe and sanitary housing at affordable rent levels. Aware of the difficulty in finding decent housing, some tenants attempt to pay requested rent increases, but as a consequence must expend less on other necessities of life. This situation has had a detrimental effect on substantial numbers of renters in the City, especially creating hardships on senior citizens, persons on fixed incomes and low and moderate income households.

(3) the problems of rent increases reached crisis level in the spring of 1979. At that time the Board of Supervisors conducted hearings and caused studies to be made on the feasibility and desirability of various measures designed to address the problems created by the housing shortage.

(4) In April, 1979, pending development and adoption of measures designed to alleviate the City's housing crisis, the Board of Supervisors adopted Ordinance No. 181-79 prohibiting most rent increases on residential rental properties for 60 days.

Ordinance No. 181-79 is scheduled to expire no later than June 30, 1979.

(5) The provisions of Ordinance No. 181-79 have successfully reduced the rate of rent increases in the City, along with the concomitant hardships and displacements. However, a housing shortage still exists within the City and County of San Francisco and total deregulation of rents at this time would immediately lead to widespread exorbitant rent increases and recurrence of the crisis, problems and hardships which existed prior to the adoption of the moratorium measure.

(6) This ordinance shall be in effect for fifteen (15) months. During this time, a Citizens' Housing Task Force shall be created to conduct a further study of and make recommendations for the problems of housing in San Francisco. In the interim, some immediate measures are needed to alleviate San Francisco's housing problems. This ordinance, therefore, creates a San Francisco Residential Rent Stabilization and Arbitration Board in order to safeguard tenants from excessive rent increases and, at the same time, to assure landlords fair and adequate rents consistent with Federal Anti-Inflation Guidelines.

(c) The people of San Francisco hereby find and declare:

(1) Present law provides that the annual allowable rent increase shall be 60% of the Consumer Price Index but in no event less than 4% of the tenant's base rent.

(2) Rent increases of 60% of the Consumer Price Index are sufficient to assure landlords fair and adequate rents consistent with Federal Anti-Inflation Guidelines.

(3) Since 1984, 60% of the Consumer Price Index has been less than 4% per year, so landlords have been able to impose yearly rent increases above the rate of inflation since 1984.

(4) Under the current 4% floor, landlords have received more than 60% of the Consumer Price Index with the resulting hardship to tenants.

(5) Therefore, in order to alleviate this hardship to tenants and to ensure that landlords receive fair and adequate rents consistent with Federal Anti-Inflation Guidelines, we hereby amend this ordinance to delete the current 4% floor on annual rent increases.

Sec. 37.3 Rent Limitations.
[Amended by Ord. No. 442-79 effective August 31, 1979; No. 136-80 effective April 10, 1980; No. 358-80 effective August 24, 1980; No. 77-82 effective April 1, 1982; No. 268-82 effective July 10, 1982; No. 438-83 effective October 2, 1983; repealed and replaced by section 37.3A by Ord. No. 20-84 February 18, 1984; renumbered by Ord. No. 338-87 effective September 13, 1987; amended by Ord. No. 102-91, effective April 20, 1991; No. 127-91 effective May 2, 1991.]

(a) Rent Increase Limitations for Tenants in Occupancy. Landlords may impose rent increases upon tenants in occupancy only as provided below:

(1) Annual Rent Increase. On March 1st of each year, the Board shall publish the increase in the CPI for the preceding 12 months, as made available by the U.S. Department of Labor. A landlord may impose annually a rent increase which does not exceed a tenant's base rent by more than 60 percent of said published increase. In no event, however, shall the allowable annual increase be ~~less than 4% or~~ greater than 7% seven percent.

(2) Banking. A landlord who refrains from imposing an annual rent increase or any portion thereof may accumulate said increase and impose that amount on the tenant's subsequent rent increase anniversary dates. A landlord who, between April 1, 1982, and February 29, 1984, has banked an annual 7% percent rent increase (or rent increases) or any portion thereof may impose the accumulated increase on the tenant's subsequent rent increase anniversary dates.

(3) Capital Improvements, Rehabilitation, and Energy Conservation Measures. A landlord may impose rent increases based upon the cost of capital improvements, rehabilitation, or energy conservation measures provided that such costs are certified pursuant to Section 37.7 below.

(4) Utilities. A landlord may impose increases based upon the cost of utilities as provided in Section 37.2(o) above.

(5) Charges Related to Excess Water Use. A landlord may impose increases not to exceed 50 percent of the excess use charges (penalties) levied by the San Francisco Water Department on a building for use of water in excess of Water Department allocations under the following conditions:

(A) The landlord provides tenants with written certification that the following have been installed in all units: (1) permanently installed retrofit devices designed to reduce the amount of water used per flush or low-flow toilets (1.6 gallons per flush); (2) low-flow showerheads which allow a flow of no more than 2.5 gallons per minute; and (3) faucet aerators (where installation on current faucets is physically feasible); and

(B) The landlord provides the tenants with written certification that no known plumbing leaks currently exist in the building and that any leaks reported by tenants in the future will be promptly repaired; and

(C) The landlord provides the tenants with a copy of the water bill for the period in which the penalty was charged. Only penalties billed for a service period which begins after the effective date of the ordinance [April 20, 1991] may be passed through to tenants. Where penalties result from an allocation which does not reflect documented changes in occupancy which occurred after March 1, 1991, a landlord must, if requested in writing by a tenant, make a good-faith effort to appeal the allotment. Increases based upon penalties shall be prorated on a per room basis provided that the tenancy existed during the time the penalty charges accrued. Such charges shall not become part of a tenant's base rent. Where a penalty in any given billing period reflects a 25 percent or more increase in consumption over the prior billing period, and where that increase does not appear to result from increased occupancy or any other known use, a landlord may not impose any increase based upon such penalty unless inspection by a licensed plumber or Water Department inspector

fails to reveal a plumbing or other leak. If the inspection does reveal a leak, no increase based upon penalties may be imposed at any time for the period of the unrepaired leak.

(6) RAP Loans. A landlord may impose rent increases attributable to the City Administrator's amortization of the RAP loan in an area designated on or after July 1, 1977, pursuant to Chapter 32 of the San Francisco Administrative Code.

(7) Additional Increases. A landlord who seeks to impose any rent increase which exceeds those permitted above shall petition for a rental arbitration hearing pursuant to Section 37.8 of this Chapter.

(b) Notice of Rent Increase for Tenants in Occupancy. On or before the date upon which a landlord gives a tenant legal notice of a rent increase, the landlord shall inform the tenant, in writing, of the following:

(1) Which portion of the rent increase reflects the annual increase, and/or a banked amount, if any;

(2) Which portion of the rent increase reflects costs for capital improvements, rehabilitation, or energy conservation measures certified pursuant to Section 37.7.

(3) Which portion of the rent increase reflects the passthrough of charges for: gas and electricity, which charges shall be explained;

(4) Which portion of the rent increase reflects the amortization of the RAP loan, as described in Section 37.3(a)(5) above.

(5) Nonconforming Rent Increases. Any rent increase which does not conform with the provisions of this Section shall be null and void.

(c) Initial Rent Limitation for Subtenants. A tenant who subleases his or her rental unit may charge no more rent upon initial occupancy of the subtenant or subtenants than that rent which the tenant is currently paying to the landlord.

[The next page is number 71.]

APPENDIX 24: ORDINANCE REFORMING GENERAL ASSISTANCE PROGRAM

Adopted November 2, 1993

An Ordinance Amending San Francisco Administrative Code by amending Sections 20.56.8, 20.58.1, 20.59.10, and 20.59.16 and adding Section 20.56.14 to reform the City and County of San Francisco's General Assistance Program.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

The people of the City and County of San Francisco find that existing regulations in the General Assistance program do not adequately provide for stringent fraud prevention and cost control. Accordingly, the people find that it is in the City's best interest to institute new regulations which will help achieve these goals and at the same time ensure that the legitimate needs of the residents of San Francisco are met.

1. The City should establish a fingerprint system that (a) will help prevent persons from unlawfully obtaining multiple aid payments, and (b) can be conducted in a confidential manner protecting individual rights.

2. At present, a person applying for aid in San Francisco is eligible to receive General Assistance merely by being present and stating his or her intent to remain in San Francisco. Establishing a 15-day residency requirement, the maximum allowed by law, will make San Francisco's requirements consistent with the requirements existing in surrounding counties.

3. At present, aid recipients who fail to comply with program requirements are sanctioned for a period of 14 days. Changing the sanction period to 30 days will make San Francisco's regulation consistent with the regulations in surrounding counties.

4. Currently the penalties imposed against a person who receives aid through fraud are no different from the penalties imposed against a person who merely fails to comply with program requirements. Moreover, a person who repeatedly obtains aid through fraud receives no stronger sanction than an inability to apply for aid for 14 days. The new regulations will enable the City to impose a series of progressive sanction against persons who repeatedly commit these acts of fraud.

5. Presently the City is unable to reduce grants for a period of more than six months in order to recover overpayments of aid. Consequently, the City is unable to fully recover amounts overpaid in most cases. The new regulations will eliminate the six month time limit and allow for full recovery of overpayments.

Section 2.

The San Francisco Administrative Code is hereby amended by amending Sections 20.56.8, 20.58.1, 20.59.10, and 20.59.16 to read as follows:

SEC. 20.56.8. RESIDENCY REQUIREMENT.

Residence in the City and County of San Francisco for fifteen (15) continuous days, prior to the time of application, is a requirement of eligibility for General Assistance. No aid shall be paid until such residence is verified, except as provided in Section 20.57.4. Residence in the City and County of San Francisco is established by physical presence and intent to reside in the City and County of San Francisco which is satisfactorily substantiated by the applicant or recipient.

SEC. 20.58.1. FAILURE TO SATISFY REQUIREMENTS FOR CONTINUING ELIGIBILITY.

Recipients who fail to comply with applicable provisions of this ordinance and the regulations promulgated thereunder may have their aid withheld, decreased or discontinued as set forth in Department regulations.

In the case of discontinuance of a recipient, the recipient shall be unable to reapply for a period of at least thirty days from the effective date of discontinuance, provided that the Department affords the recipient all due process to which the recipient is entitled under statutory and other law.

SEC. 20.59.10. FAIR ADMINISTRATION; DISCLOSURES; OVERPAYMENT.

The Department shall administer this program fairly to the end that all eligible persons who apply for assistance shall receive aid promptly, with due consideration for the needs of the applicant/recipient and the safeguard of public funds.

(a) Any applicant for, or recipient or payee of, aid under this Chapter shall be informed as to the provisions of eligibility and his or her responsibility for reporting facts material to a correct determination of eligibility, continuing eligibility and grant.

(b) Any applicant for, or recipient or payee of, aid under this Chapter shall be responsible for reporting accurately and completely all facts required of him or her pursuant to Subdivision (a) and for reporting promptly any changes in those facts.

(c) Any person who makes full and complete disclosure of those facts as explained to him or her pursuant to Subdivision (a) is entitled to rely upon the aid granted as being accurate, and the warrant he or she receives as correctly reflecting the grant award except as provided in Subdivision (d), (e), (f).

(d) Overpayment due to administrative error or negligent failure to report facts required by this Article or department regulations may be recouped in accordance with the provisions of Section 20.55.2(m) governing recoupment in the absence of recipient fraud, until collected in full, following discovery of overpayment.

(e) Overpayment due to false statement or representation or by impersonation or other fraudulent device or by intentional failure to report facts required by this article or department regulations shall be recouped in accordance with the provisions of Section 20.55.2(m) governing recoupment upon an administrative determination of recipient fraud, until collected in full, following discovery of overpayment.

(f) Overpayment due to false statement or representation or by impersonation or other fraudulent device or by intentional failure to report facts as required by this Article or department regulations shall result in immediate discontinuance of aid subject to fair hearing procedures in Article VII of this Chapter. The case shall be referred to the Special Investigation Unit of the Department of Social Services. Any aid granted under such circumstances shall be offset against any future aid as set forth in Section 20.55.2(m).

SEC. 20.59.16. FRAUD IN OBTAINING AID.

Whenever any person has, by means of false statement or representation or by impersonation or other fraudulent device, or by intention failure to report facts required by this Article or department regulations, obtained aid under this Chapter, the matter shall be referred to the District Attorney's office for appropriate action.

Further, upon the first discontinuance of aid within a twenty-four month period due to false statement or representation or by impersonation or other fraudulent device, or by intentional failure to report facts required by the Article or department regulations, an applicant or recipient shall be unable to reapply for aid for a period of thirty days.

Upon the second such discontinuance within a twenty-four month period, the applicant or recipient shall be unable to reapply for aid for a period of sixty days.

Upon the third, or additional, such discontinuance within a twenty-four month period, the applicant or recipient shall be unable to reapply for aid for a period of ninety days.

Section 3.

The San Francisco Administrative Code is hereby amended as follows by adding section 20.56.14 to read as follows:

SEC. 20.56.14. FINGERPRINT INFORMATION.

For the purpose preventing multiple aid payments to the same person, the Department may require that applicants and recipients provide fingerprints as a

condition of eligibility or continuing eligibility, subject to such procedures and regulations as the Department may adopt. Failure to cooperate with the fingerprint procedures provides grounds for denial or discontinuance of aid.

Such fingerprints are subject to all applicable state and federal laws and regulations regarding the confidentiality of information of applicants for, or recipients of, public benefits.

Section 4.

By adopting this ordinance, the people of the City and County of San Francisco do not intend to limit or in any way curtail any powers the Board of Supervisors may exercise to amend, repeal or otherwise alter this ordinance or any provision of this ordinance.

Section 5. Severability.

If any subsection, sentence, clause, phrase, or word of this ordinance be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this ordinance or any part thereof. The voters hereby declare that they would have adopted this ordinance notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

APPENDIX 25: ORDINANCE PROHIBITING LOITERING AT OR NEAR CASH DISPENSING MACHINES

Adopted June 7, 1994

An Ordinance amending the San Francisco Municipal Code, Part II, Chapter 8 (Police Code) by adding Section 121 thereto prohibiting persons from loitering at or near cash dispensing machines.

NOTE: This section is entirely new.

Be it ordained by the People of the City and County of San Francisco:

Section 1.

The San Francisco Municipal Code, Part II, Chapter 8 (Police Code) is hereby amended by adding Section 121 thereto reading as follows:

SEC. 121. LOITERING AT OR NEAR CASH DISPENSING MACHINES PROHIBITED.

(a) **Findings.** The People of the City and County of San Francisco find that persons who loiter or linger at or near cash dispensing machines imperil the public's safety and welfare. Cash dispensing machines have become the site of robberies and assaults. Prohibiting loitering or lingering at or near such machines may decrease the incidence of these crimes by providing law enforcement officers with an additional crime fighting tool that does not infringe on any person's basic rights.

In addition, the People find that persons making legitimate use of cash dispensing machines have become intimidated and fearful for their safety because of the presence of persons loitering at or near the machines. No state law addresses this type of behavior or protects the public from these problems.

(b) **Prohibition.** In the City and County of San Francisco, it shall be unlawful for any person to loiter or linger at or near any cash dispensing machine located on the exterior of any building.

(c) **Definitions.**

(1) For the purpose of this ordinance, a person loiters or lingers at or near a cash dispensing machine when the person remains within thirty (30) feet of such a machine for a period of over one minute, while another person is conducting lawful business by using the cash dispensing machine.

(2) For the purposes of this ordinance, a cash dispensing machine is any machine at which a person may obtain cash by inserting a coded card. Cash dispensing machines include what are commonly referred to as automatic teller machines.

(d) **Application.** This ordinance is not intended to prohibit any person from engaging in any lawful business that must be conducted within thirty (30) feet of a cash dispensing machine, such as (1) conducting a transaction at a cash dispensing machine; (2) waiting in line to conduct a transaction at a cash dispensing machine; (3) accompanying or assisting another person, with that person's permission, in conducting a transaction at a cash dispensing machine; or (4) activities such as waiting for a bus at a bus stop or waiting in line to enter a theater or other business where the bus stop or line is within thirty (30) feet of a cash dispensing machine. Lawful business does not include any activity that can be conducted more than thirty (30) feet from a cash dispensing machine.

Before any law enforcement officer may cite or arrest a person under this ordinance, the officer must warn the person that his or her conduct is in violation of this ordinance and must give the person an opportunity to comply with the provisions of this ordinance.

(e) **Penalties.**

(1) **First Conviction.** Any person violating any provision of this section shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less than $50 or more than $100, and/or community service, for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than $200 or more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(2) **Subsequent Convictions.** In any accusatory pleading charging a violation of this section, if the defendant has been previously convicted of a violation of this section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this section a second time within a thirty day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $300 or more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this section a third time, and each subsequent time, within a thirty-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $400 and not more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(f) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The People hereby declare that they would have adopted this Section notwithstanding the unconstitutionality, invalidity or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.

Section 2.

After July 1, 1995, the Board of Supervisors shall have the power to amend or repeal this Ordinance if the Board finds that such amendment or repeal is in the best interest of the People of the City and County of San Francisco.

APPENDIX 26: RENT CONTROL

Adopted November 8, 1994

An Ordinance amending the San Francisco Administrative Code by amending Section 37.2(p), adding a new Section 37.12 and renumbering the current Section 37.12 to extend the City's Rent Control Ordinance to occupied apartments in buildings containing four or fewer apartments even if the landlord lives in one of the apartments.

Section 1.

This ordinance shall take effect upon certification of election results by the Board of Supervisors of the City and County of San Francisco.

Section 2.

The San Francisco Administrative Code is hereby amended by amending Section 37.2(p), adding a new Section 37.12 and renumbering the current Section 37.12 as follows:

Sec. 37.2 Definitions.

[Amended by Ord. No. 197-80 effective June 8, 1980; No. 77-82 effective April 1, 1982; No. 268-82 effective July 10, 1982; No. 421-82 effective October 1, 1982; No. 111-83 effective April 10, 1983; No. 438-83 effective October 2, 1983; No. 20-84 effective February 18, 1984; No. 193-86 effective July 1, 1986; No. 233-93
effective August 22, 1993.]

(a) **Base Rent.** That rent which is charged a tenant upon initial occupancy plus any rent increase allowable and imposed under this chapter; provided, however, that base rent shall not include increases imposed pursuant to Section 37.7 below or utility passthroughs pursuant to Section 37.2(o) below. Base rent for tenants of RAP rental units in areas designated on or after July 1, 1977 shall be that rent which is established pursuant to Section 32.73-1 of the San Francisco Administrative Code. Rent increases attributable to the Chief Administrative Officers amortization of a RAP loan in an area designated on or after July 1, 1977 shall not be included in the base rent.

(b) **Board.** The Residential Rent Stabilization and Arbitration Board.

(c) **Capital Improvements.** Those improvements which materially add to the value of the property, appreciably prolong the useful life, or adapt it to new uses, and which may be amortized over the useful life of the improvement of the building.

(d) **CPI.** Consumer Price Index for all Urban Consumers for the San Francisco-Oakland Metropolitan Area, U.S. Department of Labor.

(e) **Energy Conservation Measures.** Work Performed pursuant to the requirements of Article 12 of the San Francisco Housing Code.

(f) **Hearing Officer.** A person, designated by the board, who arbitrates rental increase disputes.

(g) **Housing Services.** Services provided by the landlord connected with the use or occupancy of a rental unit including, but not limited to, repairs, replacement, maintenance, painting, light, heat, water, elevator service, laundry facilities and privileges, janitor service, refuse removal, furnishings, telephone, parking and any other benefits, privileges or facilities.

(h) **Landlord.** An owner, lessor, sublessor, who receives or is entitled to receive rent for the use and occupancy of any residential rental unit or portion thereof in the City and County of San Francisco, and the agent, representative or successor of any of the foregoing.

(i) **Member.** A member of the Residential Rent Stabilization and Arbitration Board.

(j) **Rap.** Residential Rehabilitation Loan Program (Chapter 32, San Francisco Administrative Code).

(k) **RAP Rental Units.** Residential dwelling units subject to RAP loans pursuant to Chapter 32, San Francisco Administrative Code.

(l) **Real Estate Department.** A city department in the City and County of San Francisco.

(m) **Rehabilitation Work.** Any rehabilitation or repair work done by the landlord with regard to a rental unit, or to the common areas of the structure containing the rental unit, which work was done in order to be in compliance with State or local law, or was done to repair damage resulting from fire, earthquake or other casualty or natural disaster.

(n) **Rent.** The consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of a rental unit, or the assignment of a lease for such a unit, including but not limited to monies demanded or paid for parking, furnishings, food service, housing services of any kind, or subletting.

(o) **Rent Increases.** Any additional monies demanded or paid for rent as defined in item (n) above, or any reduction in housing services without a corresponding reduction in the monies demanded or paid for rent; provided, however, that where the landlord has been paying the tenants utilities and cost of those utilities increase, the landlords passing through to the tenant of such increased costs does not constitute a rent increase.

(p) **Rental Units.** All residential dwelling units in the City and County of San Francisco together with the land and appurtenant buildings thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. The term shall not include:

(1) housing accommodations in hotels, motels, inns, tourist houses, rooming and boarding houses, provided that at such time as an accommodation has been occupied by a tenant for thirty-two (32) continuous days or more, such accommodation shall become a rental unit subject to the provisions of this chapter; provided further, no landlord shall bring an action to recover possession of such unit in order to avoid having the unit come within the provisions of this chapter. An eviction for a purpose not permitted under Sec. 37.9(a) shall be deemed to be an action to recover possession in order to avoid having a unit come within the provisions of this chapter;

(2) dwelling units in non-profit cooperatives owned, occupied and controlled by a majority of the residents or dwelling units solely owned by a non-profit public benefit corporation by a board of directors the majority of which are residents of the dwelling units and where it is required in the corporate by-laws that rent increases be approved by a majority of the residents;

(3) housing accommodations in any hospital, convent, monastery, extended care facility, asylum, non-profit home for the aged, or in dormitories owned and operated by an institution of higher education, a high school, or an elementary school;

(4) dwelling units whose rents are controlled or regulated by any government unit, agency or authority, excepting those unsubsidized and/or unassisted units which are insured by the United States Department of Housing and Urban Development; provided, however, that units in unreinforced masonry buildings which have undergone seismic strengthening in accordance with Building Code Chapters 14 and 15 shall remain subject to the Rent Ordinance to the extent that the Ordinance is not in conflict with the seismic strengthening bond program or with the bond program's loan agreements or with any regulations promulgated thereunder;

(5) rental units located in a structure for which a certificate of occupancy was first issued after the effective date of this ordinance, except as provided in Section 37.9A(b) of this chapter;

(6) dwelling units in a building which has undergone substantial rehabilitation after the effective date of this ordinance; provided, however, that RAP rental units are not subject to this exemption.

(q) **Substantial Rehabilitation.** The renovation, alteration or remodeling of residential units of 50 or more years of age which have been condemned or which do not qualify for certificates of occupancy or which require substantial renovation in order to conform the building to contemporary standards for decent, safe and sanitary housing. Substantial rehabilitation may vary in degree from gutting and extensive reconstruction extensive improvements that cure substantial deferred maintenance. Cosmetic improvements alone such as painting, decorating and minor repairs, or other work which can be performed

safely without having the unit vacated do not qualify as substantial rehabilitation.

(r) **Tenant.** A person entitled by written or oral agreement, sub-tenancy approved by the landlord, or by sufferance, to occupy a residential dwelling unit to the exclusion of others.

(s) **Utilities.** The term utilities shall refer to gas and electricity exclusively.

Section 37.12 Transitional Provisions

This section is enacted in order to assure the smooth transition to coverage under this chapter of owner occupied buildings containing four units or less, as a result of the repeal of the exemption for owner-occupied units. The provisions of this section apply only to such units. The units are referred to as "newly covered units" in this section. The term "effective date of coverage" as used herein means the effective date of the repeal of the owner occupancy exemption.

(a) The initial base rent for all newly covered units shall be the rent that was in effect for the rental unit on May 1, 1994. If no rent was in effect for the newly covered unit on May 1, 1994, the initial base rent shall be the first rent in effect after that date.

(b) All rents paid after May 1, 1994, in excess of the initial base rent under Section 37.12(a), shall be refunded to the tenant no later than December 15, 1994. If the landlord fails to refund the excess rent by December 15, 1994, the tenant may deduct the mount of the refund from future rent payments, or bring a civil action under Section 37.11A, or exercise any other existing remedies. All tenants residing in newly covered units are entitled to this refund, even if the tenant vacated before the effective date of coverage of the newly covered units.

Sec. 37.13 Severability.

[Amended by Ord. No. 172-80 effective May 2, 1980; No. 468-80 effective October 30, 1980; No. 509-81 effective November 18, 1981; repealed by Ord. No. 77-82 effective April 1, 1982; re-numbered from Section 37-14 by Ord. No. 20-84 effective February 18, 1984.]

If any provision of clause of this chapter or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other chapter provisions, and clauses of this chapter are declared to be severable.

APPENDIX 27: OFFICIAL NEWSPAPERS

Adopted November 8, 1994

An Ordinance amending Article IX of Chapter 2 of the San Francisco Administrative Code regarding the way the Board of Supervisors selects the official City newspapers and publishes City notices.

Be it ordained by the people of the City and County of San Francisco that Article IX of Chapter 2 of the San Francisco Administrative Code be deleted and amended to read as follows:

ARTICLE IX
OFFICIAL and OUTREACH NEWSPAPER(S)

SEC. 2.80. FINDINGS.

The People of San Francisco find and declare that the City and County has a responsibility to inform its citizenry about the goings on of local government. To best accomplish this, the City and County should utilize locally published newspapers to reach the general public, including the many separate and diverse communities which make up the population of the City and County.

Under this Article, the City and County wishes to exercise its power in deeming official newspaper(s) to maximize the citizenry's access to public notices which are required to be published by law. In addition, the City and County wishes to implement an aggressive outreach plan to meet the public information needs of those communities and neighborhoods which may not be adequately served by the official newspaper(s).

SEC. 2.80-1. DEFINITIONS.

As used in this Article, the following words and phrases shall have the meanings indicated herein:

A. "Official Newspaper:" Pursuant to the provisions of Section 10.100(f) of the Charter, the official newspaper or newspapers of the City and County is hereby defined as a newspaper of general circulation published for the dissemination of local or telegraphic news and intelligence of general character, which has a bona fide circulation of at least 50,000 copies per calendar week and which is printed in the City and County on three or more days in a calendar week.

B. "Outreach Communities" shall reflect the diversity in race and sexual orientation of the population of the City and County. They shall include: (1) the Lesbian/Gay/Bisexual community, (2) the African American community, (3) the Hispanic community, and (4) the Chinese community. The Board of Supervisors may determine different outreach communities from time to time.

C. "Outreach Periodical" shall mean a periodical which circulates primarily in one of the outreach communities and which is printed in the City and County on one or more days in a calendar week.

D. "Outreach Advertisement" shall be an advertisement placed in the selected outreach periodicals one time per week. This advertisement shall be no larger than four inches wide by six inches high and shall be prepared by the Clerk of the Board of Supervisors at the direction of the Board. The Clerk

shall select and include in each week's advertisement those major items pertaining to governmental operations for that week.

E. "Joint Venture" shall mean any association or business relationship of two or more businesses which act as a single entity or contractor in submitting a bid proposal or in providing such services to the City and County.

SEC. 2.81. OFFICIAL NEWSPAPER(S)—DESIGNATION.

In each year, the Board of Supervisors shall designate the official newspaper or newspapers as herein below set forth.

On or before the first day of December in 1994 and each ensuing June thereafter, the Purchaser shall prepare a notice inviting sealed proposals for: (1) The publication of all official advertising of the City and County which is required by law to be published on two or more consecutive days, and all official advertising of the City and County which is required to be published in accordance with the provisions of Sections 2.200 or 2.201 of the Charter for special meetings of the Board of Supervisors and its standing or special committees; and (2) the publication of all official advertising of the City and County, which is required by law to be published one time, other than the provisions of Sections 2.200 or 2.201 of the Charter as they relate to special meetings of the Board of Supervisors and its standing or special committees; and all official advertising of the City and County, which is required by law to be published more than one time, but not more than three times a week for a specified number of weeks. Said notices shall be published once in the appropriate official newspaper of the City and County. At least five days shall intervene between the date of publication and the time for filing such sealed proposals. Each proposal shall be required to include among other things:

A. Bidder's most recent circulation audit report covering a period of established and verified circulation for at least six months.

B. A Distribution Declaration from bidder declaring that any individual or business entity within the City and County who requests delivery of that newspaper shall receive delivery of the same general newspaper, and in the same timely fashion as every other person.

C. Each bidder who submits a bid as a joint venture, or which is to be performed by a joint venture, must include a copy of a fully executed joint venture agreement. Each joint venture partner individually must meet all of the requirements set forth in the Charter and Administrative Code.

D. Each bidder must establish that it has met all minimum requirements listed in paragraphs 2.81(a), 2;81(b), and 2.81(c), above, for at least four full weeks prior to bid opening.

The Purchaser shall evaluate each proposal taking into consideration the cost of advertising in each newspaper, the circulation of each newspaper, and the cost of each newspaper to the general public according to the following point system:

A. Advertising Price. The newspaper which bids the lowest price for advertising shall receive fifteen points. Every other newspaper shall receive a proportionate number of points ("Proportional Advertising Price Points"), according to the following formula:

Proportional Advertising Price

$$Points = 15 \times \frac{Lowest\ Price\ Bid}{Highest\ Price\ Bid}$$

As used in this formula, "Lowest Price Bid" shall be the dollar amount bid by the newspaper submitting the lowest price bid for advertising. "Higher Price Bid" shall mean the dollar amount bid for advertising by the particular other newspaper as to which the point calculation is made.

B. Circulation. The newspaper with the largest circulation shall receive 10 points. Every other newspaper shall receive a proportionate number of points ("Proportional Circulation Points"), according to the following formula:

Proportional Circulation

$$Points = 10 \times \frac{Lowest\ Circulation}{Highest\ Circulation}$$

As used in this formula, "Lower Circulation" shall mean the circulation of the particular other newspaper as to which the point calculation is made (calculated according to subsection B(1)). "Highest

Circulation" shall mean the circulation of the bidding newspaper with the highest circulation (calculated according to subsection B(1)).

B (1). Circulation Calculation: For Item 1 bidders, circulation shall be calculated by adding the total number of newspaper copies delivered to homes in the City and County for all days of a one week period. For Item 2 bidders, circulation shall be calculated by adding the total number of newspaper copies delivered to homes in the City and County for any three days of a one week period.

C. Newspaper Cost. Any newspaper with a majority of circulation that is free of charge to the general public shall receive an additional five points.

D. Local/Minority/Woman Ownership. Any bidder whose newspaper is locally owned and operated shall receive an additional two points. Any bidder whose newspaper has more than 50 percent minority ownership shall receive an additional two points. Any bidder whose newspaper is woman-owned shall receive an additional two points.

The purchaser shall, not less than 10 days after the date of publication of said notices, report to the Board of Supervisors the point totals of any and all sealed proposals received by him or her, and shall make his or her recommendation(s) to the Board of Supervisors. Thereupon, the Board of Supervisors shall, by resolution, choose and designate a newspaper or newspapers as the official newspaper or newspapers of the City and County for the ensuing fiscal year, and the Purchaser shall let a contract or contracts to said newspaper(s) for said fiscal year.

SEC. 2.81-1. USE OF OFFICIAL NEWSPAPERS.

If the circulation of the official newspaper(s) varies by day or the cost of advertising varies by day, the Purchaser shall direct all city departments to advertise in those editions of the newspaper(s) with the greatest circulation and lowest advertising cost.

SEC. 2.81-2. OUTREACH FUND.

A. Establishment of Fund. Each fiscal year the Purchaser shall establish an outreach fund by withholding ten percent of all revenue paid to each official newspaper. The Purchaser shall accrue these funds on a monthly basis.

B. Purpose of Fund. This fund is created for the purpose of placing weekly outreach advertisements in selected outreach periodicals. Outreach advertisements shall be paid for solely by using monies from the outreach fund.

C. Balance of Monies in Fund. Any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward to the next fiscal year and shall be appropriated then or thereafter for the purposes specified.

SEC. 2.81-3. OUTREACH PERIODICALS—DESIGNATION.

In each year, the Board of Supervisors shall designate the outreach periodical for each outreach community as herein below set forth.

On or before the first day of December in 1994 and each ensuing June thereafter, the Purchaser shall prepare a notice inviting sealed proposals for the purpose of selecting one outreach periodical from each outreach community. The Purchaser shall evaluate each proposal according to the following point system:

A. Advertising Price. For each outreach community, the periodical which bids the lowest price shall receive fifteen points. Every other periodical for that outreach community shall receive a proportional amount of points according to the relation of its price to the price of the lowest bidder.

B. Circulation. For each outreach community, the periodical with the largest circulation shall receive ten points. Every other periodical for that outreach community shall receive a proportionate amount of points according to the relation of its circulation to the largest circulation. Circulation shall be calculated by taking the total number of copies distributed in the City and County on any one day during a one week period.

C. Periodical Cost. Any periodical with a majority of circulation that is free of charge to the general public shall receive an additional five points.

D. Local/Minority Ownership. Any bidder whose periodical is locally owned and operated shall receive an additional two points. Any bidder whose periodical has more than 50 percent minority ownership shall receive an additional two points. Any bidder whose periodical is women-owned shall receive an additional two points.

E. Foreign Language publications. Periodicals with a majority of its editorial content published in the native language of that outreach community shall receive an additional five points.

The Purchaser shall, not less than 10 days after the date of publication of said notices, report to the Board of Supervisors the point totals of any and all sealed proposals received by him or her, and shall make his or her recommendations to the Board of Supervisors. Thereupon, the Board of Supervisors shall, by resolution, choose and designate periodicals as the outreach periodicals of the City and County for the ensuing fiscal year, and the Purchaser shall let contracts to said periodicals for said fiscal year.

SEC. 2.81-4. NEIGHBORHOOD OUTREACH.

If the Board of Supervisors finds that certain neighborhoods are not being adequately served by the official newspaper(s) and the outreach periodicals, the Board may authorize additional advertising in monthly neighborhood publications which target certain neighborhoods in San Francisco.

APPENDIX 28: ELECTIONS TASK FORCE

Adopted November 8, 1994

An Ordinance amending Chapter VIII of the San Francisco Administrative Code by adding Sections 5.87 through 5.89, relating to the creation of an Elections Task Force to draft plans for a different method of electing the Board of Supervisors.

NOTE: This entire ordinance is new.

Be it ordained by the People of the City and County of San Francisco:

Chapter VIII of the San Francisco Administrative Code is hereby amended by adding sections 5.87 through 5.89 to read as follows:

SEC. 5.87. Elections Task Force.

An elections task force is hereby established. The elections task force shall consist of nine members. The mayor, the board of supervisors, and registrar of voters each shall appoint three members of the task force. The members shall have a background in the election process in San Francisco and shall be broadly representative of the People of the City and County of San Francisco. The registrar of voters, or his or her designee, shall serve as a nonvoting members of the task force. The appointing authorities shall make their appointments no later than thirty days after the effective date of this ordinance. Members of the task force shall serve without compensation.

SEC. 5.88. Duties.

The elections task force shall prepare one or more plans, in the form of proposed charter amendments, that will provide the people of the City and County of San Francisco with a fair and adequate method of electing members of the board of supervisors to represent the People of the City and County. In preparing these plans, the task force shall consider all relevant factors, including but not limited to the costs associated with seeking election to the board of supervisors, effective representation of the diversity of the City's neighborhoods and communities, the effect on the legislative process of establishing geographical districts within the City, the most appropriate number of supervisorial seats and the compensation provided to the members of the board of supervisors. The task force, in fulfilling this duty, shall consult with the registrar of voters. In order that the board of supervisors may present a charter amendment to voters on this issue at the November 1995 election, the elections task force shall present its plans to the board of supervisors no later than May 1, 1995.

SEC. 5.89. Funding.

The City and County of San Francisco hereby appropriates from any legally available funds $25,000 to fund the task force in the performance of its duties. The Controller is directed to prepare all necessary documentation to process this appropriation through the office of the Clerk of the Board of Supervisors. Any funds remaining after the task force completes its duties shall be returned to the general fund of the City and County.

E. Foreign Language publications. Periodicals with a majority of its editorial content published in the native language of that outreach community shall receive an additional five points.

The Purchaser shall, not less than 10 days after the date of publication of said notices, report to the Board of Supervisors the point totals of any and all sealed proposals received by him or her, and shall make his or her recommendations to the Board of Supervisors. Thereupon, the Board of Supervisors shall, by resolution, choose and designate periodicals as the outreach periodicals of the City and County for the ensuing fiscal year, and the Purchaser shall let contracts to said periodicals for said fiscal year.

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SEC. 5.89. Funding.

The City and County of San Francisco hereby appropriates from any legally available funds $25,000 to fund the task force in the performance of its duties. The Controller is directed to prepare all necessary documentation to process this appropriation through the office of the Clerk of the Board of Supervisors. Any funds remaining after the task force completes its duties shall be returned to the general fund of the City and County.

APPENDIX 29: GENERAL ASSISTANCE PAYMENTS

Adopted November 8, 1994

An Ordinance amending Section 20.59.2 of the San Francisco Administrative Code by deleting language regarding aid payments through warrants or checks, and by requiring participation in a mandatory direct payment program for recipients who have not secured their own housing.

Be it ordained by the People of the City and County of San Francisco:

Section 1.

The San Francisco Administrative code is hereby amended by amending Section 20.59.2, to read as follows:

SEC. 20.59.2 AID PAYMENTS; MANDATORY DIRECT RENT PAYMENT PROGRAM.

The Department may require those applicants and recipients who have not secured their own housing to participate in a mandatory direct rent payment program. Under such a program, notwithstanding Section 20.59.4(b), the Department may pay housing costs for an applicant or recipient directly to the housing provider, or a third party, with whom the Department may contract, on behalf of the housing provider. Such direct rent payment shall be deducted from the maximum General Assistance grant amount, as specified in this Article, for which an applicant or recipient is eligible. The Department shall adopt regulations to provide a mechanism for payment to the applicant or recipient the balance of any grant amount to which he or she is entitled and may adopt additional regulations as necessary to implement this program.

For purposes of this section, the Department may adopt regulations to define "housing" which would qualify for this program to include, but not be limited to, public and private rental housing, supportive housing managed by community organizations or public agencies, transitional housing, or other means of accommodation as determined appropriate by the General Manager, and which conforms to applicable health, building and safety codes.

Refusal to accept placement in housing provided under this program, subject to the provisions of Section 20.57.1(b) of this Article, constitutes grounds for denial or discontinuance of aid.

APPENDIX 30: FERRY BUILDING AND PIER 52

Adopted November 8, 1994

An Ordinance amending Chapter 61 of the San Francisco Administrative Code by amending Section 61.2 to allow the City to approve restoration and improvements (1) the Ferry Building and Agricultural Building and adjacent pier area and (2) the public boat launch near Pier 52.

Be it ordained by the people of the City and County of San Francisco:

Section 61.2 is hereby amended to read as follows:

SEC. 61.2. LAND USE PLANNING PROCESS.

(a) Upon adoption of this initiative, the Board of Supervisors shall within 30 days request the Port Commission to prepare a "Waterfront Use Land Plan" which is consistent with the terms of this initiative for waterfront lands as defined by this ordinance. Should the Port Commission not agree to this request within 30 days of the Board of Supervisors request, the Board of Supervisors shall have 30 days to designate a different City agency or department to prepare the "Waterfront Land Use Plan."

(b) The agency drafting the "Waterfront Land Use Plan" shall consult the City Planning Commission to ensure development of a plan consistent with the City's Master Plan. The final plan and any subsequent amendments thereto shall be subject to a public hearing conducted by the City planning Commission to ensure consistency between the plan and the City's Master Plan.

(c) The "Waterfront Land Use Plan" shall define land uses in terms of the following categories:

(1) Maritime land uses;

(2) Acceptable non-maritime land uses; and

(3) Unacceptable non-maritime uses.

Land uses included in these categories which are not part of the initial ordinance shall be added to Sections 61.3 through 61.5 of this ordinance as appropriate. No deletions from Sections 61.3 through 61.5 shall be allowed unless approved by the voters of San Francisco;

(d) No City agency or officer may take, or permit to be taken, any action to permit the new development of any non-maritime land use (except those land uses set forth in Section 61.4 below) on the waterfront until the "Waterfront Land Use Plan" has been completed. Non-maritime land uses existing or which have all their necessary permits, as of January 1, 1990, shall be exempt from this limitation. Non-maritime land uses included in the following projects shall be exempt from this limitation provided that the projects shall be subject to all other applicable laws and regulations and that hotels are not permitted: (1) a project to restore two buildings on the San Francisco waterfront that are listed on the federal National Register of Historic Places as of January 1, 1994, specifically the Ferry Building and the Agricultural Building, while continuing the role of the Ferry Building area as a transportation center, and to improve the adjacent pier areas including existing structures, up to but not including any portion of Pier 1 on the north and extending to include the pier area adjoining and south of the Agricultural Building, and (2) a project to improve the public boat launch and dock facility near Pier 52 if the non-maritime land use is limited to a retail and food service use of approximately 3,000 square feet to serve the recreational boating and water use community.

(e) The "Waterfront Land Use Plan" shall be

reviewed by the agency which prepared it or by such other agency designated by the Board of Supervisors at a minimum of every five years, with a view toward making any necessary amendments consistent with this initiative.

(f) The "Waterfront Land Use Plan" shall be prepared with the maximum feasible public input.

APPENDIX 31: NEIGHBORHOOD CRIME PREVENTION

Adopted November 8, 1994

An Ordinance appropriating $900,000 in each of the next three years to provide grants to assist in neighborhood crime prevention efforts.

NOTE: This entire ordinance is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

1. Violent crimes and crimes against property continue to be a major concern of the people of San Francisco for which they expect City government to provide aggressive solutions.

2. Adult crime in San Francisco in the categories of homicide, rape, robbery, aggravated assault, burglary, larceny and motor vehicle theft increased 6.4% to 8,444 offenses between 1992 and December 1, 1993.

3. Juvenile crime in the same categories increased 18.06% to 1,955 offenses in the same period.

4. Adult crime increased as follows: Homicide 31.03%, rape 32.76%, aggravated assault 11.48%, robbery 3.44%, burglary 15.68%, larceny 3.28%, and motor vehicle theft decreased 3.23%.

5. Juvenile crime increased as follows: Homicide 123.08%, aggravated assault 20.22%, robbery 76.62%, larceny 30.25%, and motor vehicle theft 1.21%, while reported cases of rape decreased 33.33%, and burglary decreased 21.59%.

6. Increased crime and violence in San Francisco have resulted from deteriorating economic opportunities and a complex set of social problems, including lower educational achievement, a proliferation of drug use, inadequate recreational opportunities for youth, and the diminished role of parents and families in raising children.

7. A complex set of conditions in a neighborhood can serve to encourage criminal activity, including the lack of organization and involvement of residents in preserving the quality of life in their neighborhood, insufficient recreational and job opportunities for youth, hostilities between adults and youth in the neighborhood, unmaintained properties and unkempt conditions, inadequate street lighting and other conditions that permit street crime to go undetected; inadequate Police presence and street patrols, and code violations in neighborhood properties.

8. Criminals are less likely to operate in a neighborhood that is highly organized, in which residents take an obvious interest in the quality of life in their area, and in which residents take aggressive action to make it is more difficult to commit undetected crime.

9. Neighborhoods that successfully organize to address the factors that contribute to crime often succeed in achieving meaningful reductions in crime and experience feelings of increased safety.

10. Neighborhoods are more likely to succeed in reducing crime if they have assistance from trained crime prevention specialists who can help them organize and implement a comprehensive neighborhood crime prevention strategy.

11. Community policing models assuring a highly visible presence of Police Officers in neighborhoods organizing to prevent crimes are vital to the success of crime prevention efforts.

12. Neighborhoods require assistance in achieving results from the many City agencies that can contribute in significant ways to successful strategies to reduce crime, including the Department of Public

Works, the Recreation and Park Department, the District Attorney, the Department of Parking and Traffic, and the City Attorney.

13. To succeed in reducing crime, neighborhoods may occasionally need to make expenditures in support of their efforts to organize special events, conduct recreation and jobs programs for youth, and organize neighborhood cleanups.

14. Neighborhoods often succeed in reducing crime only to move criminal activity to an adjoining area, necessitating organizing efforts in each and every neighborhood capable of sustaining a level of community organization.

15. San Francisco must fund the highest possible number of uniformed officers, yet it is extremely cost-effective to hire neighborhood-based crime prevention specialists to guide residents in projects to reduce crime.

16. Current City funding for crime prevention is inadequate to assure that all San Francisco neighborhoods are organized to fight crime.

17. The Board of Supervisors has previously passed a resolution urging the Mayor's Criminal Justice Council to designate funds to permit the issuance of a Request for Proposals to identify a single agency or a single consortium of community organizations to conduct a neighborhood crime prevention program employing neighborhood crime prevention specialists.

18. The functions of the program should be to assign crime prevention specialists to every neighborhood in the City to assist neighbors in developing and implementing strategies to address factors that contribute to crime, including, but not limited to, the lack of organization and involvement of residents in preserving the quality of life in their neighborhood, insufficient recreational and job opportunities for youth, hostilities between adults and youth in the neighborhood, unmaintained properties and unkempt conditions, inadequate street lighting and other conditions that permit street crime to go undetected, inadequate Police presence and street patrols, the unwillingness of landlords to evict tenants involved in criminal activities including drug dealing, and code violations in neighborhood properties.

19. The agency conducting this crime prevention program should have demonstrated interest and experience in organizing neighborhood children, youth and their families to avoid crime.

Section 2.

The voters of the City and County of San Francisco urge the Mayor and Chief of Police to assure that the Police Department is engaged in a meaningful program of community policing and that neighborhoods will be assured support by the Department for requests for visible presence of Police Officers in their areas:

Section 3.

The voters request the Mayor and the Mayor's Criminal Justice Council to identify the funds necessary to augment the Council's existing capacity to make grants to neighborhoods in support of programs that will significantly contribute to reducing crime, including organizing special events, conducting recreation and jobs programs for youth, and organizing neighborhood cleanups. The intent of this ordinance is to provide funding for newly created programs or for the expansion of current programs that will assist in neighborhood crime prevention efforts.

Section 4.

The City and County of San Francisco hereby appropriates from any legally available funds $900,000 annually for fiscal years 1995-1996 through 1997-1998 to assist in carrying out the purposes as stated in Section 3 of this ordinance, which shall be known as the Neighborhood Crime Prevention Program. Efforts shall be made by the City and County of San Francisco to secure private and other governmental funding to help defray the costs of this Program. Any and all non-City funds that are obtained for the benefit of the Neighborhood Crime Prevention Program during its three year period will he used to reduce the $900,000 City and County appropriation required for the funding of this Program for the appropriate year by the amount of the non-City funds.

Section 5.

The Police Commission is authorized and directed to award from the $900,000 annual appropriations, as provided in Section 4 of this ordinance, the neighborhood grant or grants required to implement this program.

APPENDIX 32: MUNICIPAL RAILWAY AUDIT

Adopted November 7, 1995

An Ordinance requiring the city to conduct a management audit of the Municipal Railway system and implement an Action Plan based on audit results, appropriating $125,000 to pay for the cost of the audit.

Be it ordained by the People of the City and County of San Francisco:

SEC. 1. COMPLETE MANAGEMENT AUDIT OF THE MUNICIPAL RAILWAY; SCOPE OF AUDIT; TIME FOR COMPLETION.

(a) The City and County of San Francisco hereby mandates that a comprehensive management audit be conducted by the Budget Analyst of the Board of Supervisors. Further, the Transportation Commission shall conduct a series of public hearings to discuss the audit and its findings, and that after the Transportation Commission shall prepare an Action Plan and submit it to the Mayor. The Mayor, the Transportation Commission, the head of the Municipal Railway, and the Board of Supervisors shall use their best efforts to implement and take all steps necessary to carry out costs savings, efficiencies, and safety measures outlined in the Action Plan.

(b) No later than thirty days after the effective date of this ordinance, the Budget Analyst of the San Francisco Board of Supervisors shall begin a comprehensive management audit of the Municipal Railway. The Budget Analyst may retain the services of a qualified professional transit consultant to assist the Budget Analyst with the management audit. The Budget Analyst shall deliver a report of its findings and recommendations to the Transportation Commission no later than six months after commencement of the Audit or seven months after the effective date of this ordinance.

(c) The audit shall include, but not be limited to the following:

(1) Improved Service and Scheduling
(2) Increasing Cost Efficiencies
(3) Selling of Surplus Assets
(4) Acquisition Plans for New Equipment
(5) Salaries and Employee Benefits
(6) Safety of Passengers and Drivers
(7) Contracting Out Specific Routes

SEC. 2 REVIEW AND ADOPTION OF RECOMMENDATIONS OF ACTION PLAN, BASED ON REVIEW OF AUDIT RECOMMENDATIONS AND PUBLIC HEARINGS; IMPLEMENTATION.

(a) Within eight months after effective date of this ordinance, the Transportation Commission of the City and County of San Francisco shall begin three consecutive months of public hearings to review the findings and recommendations contained in the report.

(b) Within thirteen months after the effective date of this ordinance, the Transportation Commission shall approve and propose to the Mayor its recommended Action Plan for implementation of audit recommendations and related steps to improve service, safety, and cost-effectiveness.

(c) The Mayor shall approve the Commission's Action Plan, and the Transportation Commission, the Municipal Railway Director, the Mayor, and the Board of Supervisors shall use their best efforts to implement the Action Plan.

SEC. 3 PROHIBITION OF FARE INCREASES PRIOR TO COMPLETION OF THE AUDIT, PUBLIC HEARINGS AND APPROVAL BY THE MAYOR.

The voters of the City and County of San Francisco hereby prohibit the Mayor, the Board of Supervisors, and the Transportation Commission to allow any fare increase from taking effect unless and

until the audit is completed and the audit recommendations are discussed at public hearings, and an Action Plan has been approved by the Mayor, as provided above.

SEC. 4 APPROPRIATION.

Within 30 days after the effective date of this ordinance, the people hereby mandate that the City and County of San Francisco shall appropriate the sum of $125,000 from any legally available funds for the Transportation Commission to pay the fees and expenses of the Budget Analyst and the professional transit consultant. The Controller is directed to prepare all the necessary documentation to process this appropriation.

SEC. 5 SEVERABILITY.

If any provision or clause of sections one through four hereinabove, or the application thereof to any person or circumstance, is held to be void, invalid, or otherwise unenforceable for any reason whatsoever by any court of competent jurisdiction, such voidness, invalidity, or unenforceability shall not affect the other provisions and clauses of the said sections, to this end the provisions and clauses of the said sections are declared to be severable.

APPENDIX 33: CAMPAIGN FINANCE REFORM

Adopted November 7, 1995

An Ordinance amending the San Francisco Administrative Code by amending Sections 16.501, 16.502, 16.503, 16.505, 16.508, 16.509 and 16.515 thereof and adding Sections 16.510-1 through 16.510-6 thereto, related to campaign finance reform.

Be it ordained by the People of the City and County of San Francisco:

Section 1.

The San Francisco Administrative Code is hereby amended by amending section 16.501, 16.502, 16.503, 16.505, 16.508, 16.509 and 16.515 thereof and adding Sections 16.510-1 through 16.510-6 thereto, to read as follows:

Article XII
SAN FRANCISCO CAMPAIGN FINANCE REFORM ORDINANCE

SEC. 16.501. PURPOSE AND INTENT.

(a) Huge sums of moneys often are necessary to finance American election campaigns. Inherent to the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. In addition, this fundraising distracts public officials seeking reelection from focusing upon important public matters, encourages contributions which may have a corrupting influence, and gives incumbents an unfair fundraising advantage over potential challengers. These developments undermine the integrity of the governmental process, the competitiveness of campaigns and public confidence in local officials.

(b) It is the purpose and intent of the Board of Supervisors of the City and County of San Francisco in enacting this Article to (1) place realistic and enforceable limits on the amount individuals may contribute to political campaigns in municipal elections and to provide full and fair enforcement of all the provisions in this Article; (2) ensure that all individuals and interest groups in our city have a fair opportunity to participate in elective and governmental processes; (3) create an incentive to limit overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign war chests for defensive purposes beyond the amount necessary to communicate reasonably with voters; (4) reduce the advantage of incumbents and thus encourage competition for elective office; (5) allow candidates and officeholders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents' community; (6) ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of the important issues involved in political campaigns; (7) limit contributions to eliminate or reduce the appearance or reality that large contributors may exert undue influence over elected officials; and (8) help restore public trust in governmental and electorial institutions.

(c) This Article is enacted in accordance with the terms of Sections 5 and 7 of Article XI of the Constitution of the State of California and Section 1.01 of the Charter of the City and County of San Francisco.

SEC. 16.502. CITATION.

This Article may be cited as the San Francisco Campaign Finance Reform Ordinance.

SEC. 16.503. DEFINITIONS.

Whenever in this Article the following words or phrases are used, they shall mean:

(a) "Candidate" shall mean any individual listed on the ballot for election to any City and County elective office or who otherwise has taken affirmative action to seek nomination or election to such office.

(b) "Charitable Organization" shall mean an entity exempt from taxation pursuant to Title 26, Section 501 of the United State Code.

(c) "Committee" shall mean any person acting, or any combination of two or more persons acting jointly, in behalf of or in opposition to a candidate or to the qualification for the ballot or adoption of one or more measures.

(d) "Contribution" shall be defined as set forth in Government Code of the State of California (commencing at Section 81000); provided, however, that "contribution" shall include loans of any kind or nature.

(e) "Election" shall mean any primary, general or runoff municipal election held in the City and County of San Francisco for City elective office. With respect to the offices of Public Defender and Assessor, primary and general elections are separate elections for purposes of this ordinance. The primary election period for these offices shall extend from January 1 of the first year of an election cycle up to and including the date of the primary election, and the general election period for these offices shall extend from the day following the primary election up to and including December 31 of the fourth year of the election cycle. With respect to the offices of Mayor, City Attorney, District Attorney, Sheriff and Treasurer, general and runoff elections are separate elections for the purposes of this ordinance. The general election period shall extend from January 1 of the first year of an election cycle up to and including the date of the general election, and the runoff election period shall extend from the date of the general election up to and including December 31 of the fourth year of the election cycle.

(f) "Enforcement authority" shall mean the District Attorney of the City and County of San Francisco for criminal enforcement and the City Attorney for civil enforcement. Nothing in this Article shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this Article under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

(g) "Measure" shall mean any City and County Charter amendment or other election, whether by initiative, referendum or recall procedure or otherwise, or circulated for purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.

(h) "Person" shall mean any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized.

(i) "City Elective Office" shall include and be limited to the offices of Mayor, Member of the Board of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender, Member of the Board of Education of the San Francisco Unified School District and Member of the Governing Board of the San Francisco Community College District.

(j) "Election Cycle" shall mean a four year period preceding a term of office as defined by the San Francisco Charter, beginning on January 1, and ending on December 31 of the fourth year thereafter.

(k) "Qualified Campaign Expenditure" for candidates includes all of the following:

(1) Any expenditure made by a candidate, officeholder or committee controlled by the candidate or officeholder, for the purpose of influencing or attempting to influence the actions of the voters for or against the election of any candidate for City elective office.

(2) A non-monetary contribution provided to the candidate, officeholder or committee controlled by the candidate or officeholder.

(3) That portion of the total cost of a slate mailing or mailing of other campaign literature produced or authorized by more than one candidate which is the cost actually paid or incurred by the committee or controlled committee of the candidate.

SEC. 16.505. CAMPAIGN CONTRIBUTION TRUST ACCOUNT—ESTABLISHMENT.

Each campaign treasurer shall establish a campaign contribution trust account for the candidate or committee at an office of a bank located in the City and County of San Francisco, the account number and branch identification of which shall be filed with the

Registrar of Voters within 10 days of the establishment thereof. All of the expenditures by the candidate or committee for the City elective office sought shall be made from that account.

SEC. 16.508. CAMPAIGN CONTRIBUTIONS—LIMITATIONS.

(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to political committees supporting or opposing such candidate, to exceed $150.

(b) For candidates who adopt the expenditure ceilings as defined in section 16.510-3 this Chapter, no person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to political committees supporting or opposing such candidate, to exceed $500.

(c) Each campaign treasurer who receives a contribution which exceeds the limit imposed by this section shall pay promptly, from available campaign funds, if any, the amount received in excess of the amount permitted by this Section to the City Treasurer for deposit in the General Fund of the City and County.

(d) A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized, and in addition it is returned to the donor within 72 hours of receipt. In the case of a late contribution as defined in Government Code section 82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt.

(e) This Section shall not apply to any in-kind contribution of television or radio airtime to any candidate or committee granted to said candidate or committee pursuant to the "Fairness Doctrine" articulated in Cullman Broadcasting, 40 FCC 576 (1963).

SEC. 16.509. MUNICIPAL RUN-OFF ELECTION.

All provisions of this Article, unless specified otherwise herein, shall be applicable in any municipal run-off for any City and County office. In addition, the following provisions shall be applicable in any such municipal run-off election:

(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person in the municipal run-off election in support of or opposition to such candidate, including contributions to political committee supporting or opposing such candidate, to exceed $100.

(b) For candidates who adopt the expenditure ceilings as defined in section 16.510-3 of this Chapter, no person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person in the municipal run-off election in support of or opposition to such candidate, including contributions to political committee supporting or opposing such candidate, to exceed $250.

(c) Each campaign treasurer who receives a contribution which exceeds the limit imposed by this section shall pay promptly, from available campaign funds, if any, the amount received in excess of the amount permitted by this Section to the City Treasurer for deposit in the General Fund of the City and County.

(d) No person shall make, and no campaign treasurer shall solicit or accept, any contribution in connection with a run-off election for a City elective office until the day following the date of the general election for that office.

(e) The amount a person may contribute in support of or opposition to a candidate in connection with a run-off election shall be controlled solely by the limits imposed by this section without regard to the amount said person contributed in support of or opposition to the candidate in the general election.

(f) Any candidate who qualifies for a run-off election may utilize unexpended campaign funds from the general election campaign for the run-off election, provided that the applicable expenditure ceilings shall continue to apply.

(g) A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized, and in addition it is returned to the donor within 72 hours of receipt. In the case of a late contribution as defined in Government Code section 82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt.

SEC. 16.510-1. PERSONS PROHIBITED FROM MAKING CONTRIBUTIONS IN THE NAME OF ANOTHER.

(a) No contribution of one hundred dollars ($100) or more other than an in-kind contribution shall be made unless by written instrument containing the name of the donor and the name of the payee.

(b) No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

(c) Any candidate who receives a contribution made in violation of this section shall pay promptly, from available campaign funds, the amount of the contribution to the City Treasurer for deposit in the General Fund of the City and County.

SEC. 16.510-2. CONTRACTORS DOING BUSINESS WITH THE CITY PROHIBITED FROM MAKING CONTRIBUTIONS.

No person who contracts with the City and County of San Francisco, for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling any land or building to the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidate for such an office, or committee controlled by such officer or candidate at any time between commencement of negotiations and either the completion of, or the termination of, negotiations for such contract.

SEC. 16.510-3. EXPENDITURE CEILINGS.

All candidates for City elective office who adopt campaign expenditure ceilings as defined below are permitted the higher contribution limits as defined in sections 16.508(b) and 16.509(b). Before accepting any contributions at the higher contribution limits, candidates who adopt voluntary expenditure ceilings must first file a statement with the Registrar of Voters indicating acceptance of the expenditure ceiling. Said statement shall be filed no later than the deadline for filing nomination papers with the Registrar of Voters, and once filed may not be withdrawn. This statement is a public document.

The Registrar of Voters shall cause to be published in the Voter Information Pamphlet, on the same page as appears the candidate's statement of qualifications, a notice informing voters whether the candidate has adopted the voluntary expenditure ceiling.

SEC. 16-510-4. AMOUNT OF EXPENDITURE CEILINGS.

(a) In primary elections, any candidate for Assessor or Public Defender who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $175,000. In general elections, any candidate for Assessor or Public Defender who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding $100,000.

(b) In general elections, any candidate for Mayor who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $600,000. In run-off elections, any candidate for Mayor who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding $400,000.

(c) In general elections, any candidate for City Attorney, District Attorney, Treasurer or Sheriff who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $175,000. In run-off elections, any candidate for City Attorney, District Attorney, Treasurer or Sheriff who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding $100,000.

(d) Any candidate for the Board of Supervisors who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $250,000.

(e) Any candidate for the Board of Education of the San Francisco Unified School District or the Governing Board of the San Francisco Community College District who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $75,000.

(f) The Ethics Commission is authorized to adjust annually the expenditure ceilings imposed by this section to reflect the change in the California Consumer Price Index for that year.

SEC. 16-510-5. TIME PERIODS FOR EXPENDITURES.

(a) For purposes of the expenditure ceilings for the offices of Assessor and Public Defender, qualified campaign expenditures made at any time on or before the date of the primary shall be considered primary

election expenditures, and qualified expenditures made after date of the primary election shall be considered general election expenditures. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign expenditures for the time period in which they are used. Payments for goods or services used during both time periods shall be prorated.

(b) For purposes of the expenditure ceilings for the offices of City Attorney, District Attorney, Treasurer and Sheriff, qualified campaign expenditures made at any time before the general election shall be considered general election expenditures, and qualified expenditures made after the general election shall be considered run-off election expenditures. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign expenditures for the time period in which they are used. Payments for goods or services used during both time periods shall be prorated.

SEC. 16-510-6. EXPENDITURE CEILINGS LIFTED.

(a) If a candidate declines to accept expenditure ceilings and receives contributions or makes qualified campaign expenditures in excess of 50% of the applicable expenditure ceiling, or if an independent expenditure committee or committees in the aggregate spend in support of or in opposition to a candidate more than 25% of the applicable expenditure ceiling, the applicable expenditure limit shall no longer be binding on any candidate seeking election to the same office, and any candidate running for the same office who accepted expenditure limits shall be permitted to continue to receive contributions at the amount set for such candidates in section 16.508(b) or 16.509(b).

(b) Any candidate who declines to adopt the voluntary expenditure ceiling and who receives contributions, makes expenditures or has funds in his campaign trust account that exceed 50% of the applicable expenditure ceiling shall, within 24 hours of exceeding 50% of the applicable expenditure ceiling, file a statement with the Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and any additional information required by the Ethics Commission. Within 24 hours after receiving such notice, the Ethics Commission shall inform every other candidate for that office by registered mail, return receipt requested, that the campaign ceiling has been lifted.

(c) Any independent expenditure committee that spends in support of or in opposition to a candidate more than 25% of the applicable expenditure ceiling shall, within 24 hours of reaching this threshold, file a statement with the Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and any additional information required by the Ethics Commission. Thereafter, any such committee shall file a supplemental statement with the Ethics Commission each time the independent expenditure committee spends in support of or in opposition to such candidate an additional 5% of the applicable expenditure ceiling. The supplemental statements shall be filed within 24 hours of reaching these spending thresholds.

SEC. 16.510-7. INDEPENDENT EXPENDITURES FOR MASS MAILINGS, SLATE MAILINGS OR OTHER CAMPAIGN LITERATURE.

Any person who makes independent expenditures for a mass mailing, slate mailing or other campaign materials which support or oppose any candidate for City elective office shall place the following statement on the mailing or materials in typeface no smaller than 14 points:

Notice to Voters
(Required by City and County of San Francisco)
This mailing is not authorized or approved
by any candidate for City and County office
or by any election official.
It is paid for by
(name and committee identification number).
(address, city, state).
Total cost of this mailing is (amount)

SEC. 16.515. PENALTIES.

(a) Any person who knowingly or willfully violates any provision of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $500 or by imprisonment in the County jail for a period of not more than six months or by both such fine and imprisonment; provided, however, that any willful or knowing failure to report contributions or expenditures done with intent to mislead or deceive or any willful

or knowing violation of the provisions of Section 16.508 or Section 16.509 of this Article shall be punishable by a fine of not less than $500 or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Section 16.508 or Section 16.509 of this Article, or three times the amount expended in excess of the amount allowable pursuant to Section 16.510-4, whichever is greater.

(b) Any person who intentionally or negligently violates any of the reporting requirements or contribution or expenditure limitations set forth in this Article shall be liable in a civil action brought by the civil prosecutor for an amount up to $500 or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Section 16.508 or Section 16.509, or three times the amount expended in excess of the amount allowable pursuant to Section 16.510-4, whichever is greater.

Section 2.

It is the intent of the Board of Supervisors that this ordinance, including the penalty provisions, apply to the General Municipal Election to be held in the City and County in November 1995. This section provides the transition provisions necessary to realize that intent.

(a) Notwithstanding any other provision of this ordinance, any candidate for the office of Mayor, Sheriff or District Attorney who filed a Declaration of Intention To Become A Candidate pursuant to section 16.510 before the effective date of this ordinance and who seeks to adopt the voluntary expenditure ceilings for the November 1995 election shall file the statement required by section 16.510-3 no later than 10 days after the effective date of this ordinance. Any candidate who files a Declaration of Intention To Become A Candidate pursuant to section 16.510 after the effective date of this ordinance and who seeks to adopt the voluntary expenditure ceilings for the November 1995 election shall file the statement required by section 16.510-3 no later than 10 days after the filing of the Notice of Intention to Solicit Contributions.

(b) Notwithstanding any other provision of this ordinance, any candidate for the office of Mayor, Sheriff or District Attorney at the November 1995 election who does not adopt the voluntary expenditure ceiling set forth in this ordinance shall return to any contributor who contributed more than $150 to said candidate on or after February 6, 1995, that amount contributed in excess of $150. The candidate shall return the excess contribution to the contributor no later than 90 days after the effective date of this ordinance. However, candidates who decline to adopt the voluntary expenditure ceiling need not return, and may continue to accept, contributions at the higher contribution limits imposed by section 16.508(b) until such candidates have received contributions in an amount equal to the amount of contributions received by the candidate who had received the largest total amount of contributions as of February 6, 1995.

(c) Notwithstanding any other provision of this ordinance, the expenditure ceiling for the November 1995 general municipal election for Mayor shall be $600,000 plus the amount of contributions that have been received by the candidate who has received the highest total amount of contributions as of February 6, 1995. Each candidate for Mayor at the November 1995 general municipal election who received contributions on or before February 6, 1995 shall provide to the Registrar of Voters a statement executed under penalty of perjury stating the amount of contributions the candidate received on or before February 6, 1995. This statement shall be filed no later than ten days after the effective date of this ordinance. Thereafter, no later than twenty days after the effective date of this ordinance, the Registrar shall inform each candidate who has filed a Declaration of Intention To Become A Candidate for that office by certified mail of the applicable expenditure limit.

(d) Notwithstanding any other provision of this ordinance, the expenditure ceiling for the November 1995 general municipal election for Sheriff shall be $175,000 plus the amount of contributions that have been received by the candidate who has received the highest total amount of contributions as of February 6, 1995. Each candidate for Sheriff at the November 1995 general municipal election who received contributions on or before February 6, 1995 shall provide to the Registrar of Voters a statement executed under penalty of perjury stating the amount of contributions the candidate received on or before February 6, 1995. This statement shall be filed no later than ten days after the effective date of this ordinance. Thereafter, no later than twenty days after the effective date of this ordinance, the Registrar shall inform each candidate who has filed a Declaration of

Intention To Become A Candidate for that office by certified mail of the applicable expenditure limit.

(e) Notwithstanding any other provision of this ordinance, the expenditure ceiling for the November 1995 general municipal election for District Attorney shall be $175,000 plus the amount of contributions that have been received by the candidate who has received the highest total amount of contributions as of February 6, 1995. Each candidate for District Attorney at the November 1995 general municipal election who received contributions on or before February 6, 1995 shall provide to the Registrar of Voters a statement executed under penalty of perjury stating the amount of contributions the candidate received on or before February 6, 1995. This statement shall be filed no later than ten days after the effective date of this ordinance. Thereafter, no later than twenty days after the effective date of this ordinance, the Registrar shall inform each candidate who has filed a Declaration of Intention To Become A Candidate for that office by certified mail of the applicable expenditure limit.

(f) With respect elections held in calendar year 1995, the Registrar of Voters shall perform the duties of the Ethics Commission specified in Administrative Code section 16.510-6.

APPENDIX 34: NORTHEAST CHINA BASIN SPECIAL USE DISTRICT

Proposition B, Adopted March 26, 1996

Be it ordained by the People of the City and County of San Francisco:

Section 1.

It shall be the Policy of the People that a new ballpark be constructed, developed and operated at China Basin consistent with the following principles:

That the ballpark be developed privately;

That the financing of the ballpark's construction not leave the City and County with any general obligation bond debt;

That the construction and development of the ballpark result in the environmental cleanup of the area generally bounded by King Street, Second Street (inclusive of the right of way), China Basin Channel, and Third Street; and

That the San Francisco Giants, an affiliate thereof, or the developer of the ballpark enter into a ground lease with the Port of San Francisco for the China Basin site that provides that the Port of San Francisco will retain sole title and ownership of the land at all times.

Section 2.

It shall be the policy of the People that development of the ballpark meets and satisfies the public trust guidelines and restrictions applicable to the property of the Port of San Francisco.

Section 3.

Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding Section 249.[14] to read as follows:

"Section 249.[14] NORTHEAST CHINA BASIN SPECIAL USE DISTRICT.

A Special Use District entitled the "Northeast China Basin Special Use District," the boundaries of which are shown on the Zoning Map, is hereby established for the purposes set forth below. The following provisions shall apply within the Northeast China Basin Special Use District:

(a) *Purposes*

(1) *Purpose.* In order to accommodate the development of an open-air ballpark for major league baseball with a maximum of 45,000 seats with related commercial uses, including, but not limited to, general office, shops and other retail, restaurants, live music performances and other forms of live entertainment, in a setting of waterfront public spaces in an area that (A) will enhance public enjoyment of the San Francisco Bay by bringing many people of all ages to a place of public assembly and recreation adjacent to the shoreline; (B) will be close to downtown and within walking distance of many thousands of workers, shoppers, visitors and residents; (C) will be conveniently served by public transit, including an extension of Muni Metro service from Market Street to the ballpark and beyond, with convenient transfer, from and to BART, Muni bus and trolley lines, Caltrain service from the Peninsula to a station near the site, and potential ferry service from various north and east bay points to the ballpark site; (D) will be conveniently served by the broad South of Market street grid, a new 150-foot wide King Street boulevard in front of the ballpark and easy access to the 101 and I-280 freeways;. (E) will have access to approximately 5,000 off-site parking spaces near the ballpark during the first five years, with possible renewal options; (F) will have convenient access to a sizable pool of existing and proposed on and off-street parking which can be made available in the evening and on weekends; and, further, in order to assure that the ballpark is attractively designed and will be a visual asset to the City, there shall be a Northeast China Basin Use District.

(b) *Controls*

(1) *General.* The provisions of the M-2 use district established by Section 201 of this Code shall prevail except as provided in paragraphs (2) through (4) below.

(2) *Conditional Uses.* An open air ballpark with a maximum seating capacity of 45,000, assembly and entertainment uses under Section 221 of this Code, with associated parking, and various uses accessory to or related to ballpark and assembly and entertainment uses, including sports clubs, restaurants, and retail shops, shall all be permitted as conditional uses.

(3) *Parking.* In recognition of the public transit anticipated to be available to serve a ballpark in the proposed location, in recognition of the large supply of parking in the vicinity, much of which can be made available for ballpark use in the evening and on weekends, and in recognition of the availability of approximately 5,000 off-site parking spaces near the ballpark during the first five years of the ballpark's operation, there shall be no minimum requirement for off-street parking spaces for the uses permitted in the Northeast China Basin Special Use District. This provision supersedes the parking requirements set forth in Section 151 of this Code applicable to the permitted uses set forth herein.

(4) *Architectural Design.* In recognition of the prominence of the location and vital importance of the uses described in subsection (b)(2) above, such uses shall be subject to conditional use review and approval by the City Planning Commission. A conditional use may be authorized by the. City Planning Commission if the facts presented are such to establish that the architectural design of the structure is appropriate for its intended use, location and civic purpose. This criterion shall be in lieu of the criteria set forth in Section 303(c)(1—4) of this Code."

Section 4.

Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending the Zoning Map to enact the following change in the height and bulk classification:

Description of Property

The property in the area generally bounded by King Street, Second Street (inclusive of the tight of way), China Basin Channel, and Third Street, as shown on the map attached hereto.

Height and Bulk District to be Superseded	Height and Bulk District Hereby Approved
40-X	150-X

Section 5.

Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding subsection (K) to Section 260(b) to enact the following exemption from height limits otherwise established by the City Planning Code:

"(K) In the Northeast China Basin Special Use District, light standards for the purpose of lighting the ballpark."

Section 6.

Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending the Zoning Maps to adopt the following special use district classification:

Description of Property

The property in the area generally bounded by King Street, Second Street (inclusive of the right of way), China Basin Channel, and Third Street, as shown on the map attached hereto.

Use District to be Superseded	Use District Hereby Approved
M-2	The Northeast China Basin Special Use District

Section 7.

(a) Section 2(d) of Initiative Ordinance T - Waterfront Land Use is hereby amended by adding the following sentence as the last sentence thereof:

"This provision shall not be applicable to any new development within the Northeast China Basin Special Use District."

(b) Section 4 of Initiative Ordinance T - Waterfront Land Use is hereby amended by adding the following subparagraph thereto:

"h. within the Northeast China Basin Special Use District, any use that is permitted as a conditional use under Section. 249.[14] of the Planning Code."

Section 8.

It shall be the policy of the People that promptly following the effective date of this ordinance, the City and County of San Francisco, through the Board of Supervisors, the Planning Commission and other appropriate officials, boards or commissions, shall proceed to:

(a) amend its Master Plan and other relevant plans and codes in a manner consistent with this ordinance; and

(b) request and apply for conforming amendments to all applicable state and regional plans and regulations.

Section 9.

Any provision of this ordinance may be amended by the Board of Supervisors and shall not require the vote of the electors of the City and County of San Francisco.

Section 10.

If any provision of this ordinance, or any application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any provision or application of this ordinance that can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable.

APPENDIX 35: CANDLESTICK POINT SPECIAL USE DISTRICT

Proposition F, Adopted June 3, 1997

Be it ordained by the People of the City and County of San Francisco:

Section 1. [Policy, Purpose]

It shall be the Policy of the People that a new professional football stadium, retail shopping and entertainment center, and related open space and parking be constructed, developed and operated at Candlestick Point consistent with the following principles:

The San Francisco Forty Niners are an invaluable source of civic pride and an integral part of San Francisco's image as a world-class city. The City and County of San Francisco must take immediate action to ensure that the Forty Niners have a suitable stadium in which to play their home games after the current lease at the existing stadium known as 3COM Park at Candlestick Point (formerly known as Candlestick Park) expires.

The City and County of San Francisco should have a state-of-the-art professional football stadium suitable for hosting the National Football League's Super Bowl on a regular basis.

Candlestick Point and the surrounding area is the most suitable location within San Francisco for the construction of a new professional football stadium for the San Francisco Forty Niners and retail shopping and entertainment center that will assist in revitalizing the economy of the Bayview-Hunters Point-South Bayshore area and provide jobs.

The stadium shall be designed and constructed by the San Francisco Forty Niners, or an affiliate thereof, or a developer selected by the San Francisco Forty Niners or an affiliate thereof, through a combination of public and private financing.

The stadium shall be constructed in conjunction with the retail shopping and entertainment center.

The City and County of San Francisco shall retain ownership of the land upon which the stadium and retail shopping and entertainment center shall be built.

The City and County of San Francisco shall enter into one or more ground leases with the San Francisco Forty Niners, or an affiliate thereof, or the developer of the stadium and/or retail shopping and entertainment center, selected by the San Francisco Forty Niners or its affiliate, for the stadium and retail shopping and entertainment center site.

Development of the stadium and retail and entertainment center shall incorporate open space and shall be consistent with the purposes of the Candlestick Point State Recreation Area and the recreational opportunities presently available in that area, including shoreline trails and shoreline access to San Francisco Bay.

The existing stadium shall be demolished once the new stadium is completed and ready for occupancy, provided that the Giants baseball team has relocated to a new facility.

The stadium and retail stopping and entertainment center will produce substantial economic and public benefits for San Francisco residents generally and for the residents and business owners of the Bayview-Hunters Point-South Bayshore community specifically.

The stadium and retail shopping and entertainment center, and all related parking will satisfy any public trust requirements and restrictions applicable to any portion of the site consisting of former tidelands and submerged lands.

Section 2. [Implementation]

Promptly following the effective date of this ordinance, the City and County of San Francisco, through the Board of Supervisors, the Planning Commission, Redevelopment Agency and other appropriate officials, boards or commissions, shall proceed. to cooperate with the San Francisco Forty Niners, or its affiliate, in taking all action necessary to

achieve the purposes of this ordinance, including but not limited to assisting in the negotiations for property acquisition and applying for conforming amendments to all applicable state and regional plans and regulations.

Section 3. [Election Under Charter Section 4.113]

Pursuant to San Francisco Charter Section 4.113, the electors of the City and County of San Francisco hereby approve the lease for non-recreational purposes of, and the construction, development, operation, maintenance, repair and replacement of structures for non-recreational purposes on, any and all of the park land presently under the jurisdiction of the City's Recreation and Park Commission and located within the boundaries of the Candlestick Point Special Use District as defined in this ordinance, including the property currently used for the existing stadium and paved stadium parking.

Section 4. [General Plan; Amendment,

The General Plan Of the City and County of San Francisco is hereby amended as follows:

(a) Figure 3 ("Generalized Land Use and Density") of the South Bayshore Area Plan Element" shall be amended to redesignate the property generally bounded by Jamestown Avenue Extension, Giants Drive, Gilman Avenue, Arelious Walker Drive (Fitch Street), Carroll Avenue, Griffith Street, and San Francisco Bay, as the "Candlestick Point Special Use District."

(b) Figure 4 ("Candlestick Point Perimeter Proposed Revitalization Area") of the South Bayshore Area Plan Element shall be amended to indicate that the property within the Candlestick Point Special Use District shall be devoted to "Stadium, Commercial, Parking and Open Space" uses.

(c) New Policy 7.4 shall be added to the South Bayshore Area Plan Element to read as follows:

POLICY 7.4

Encourage commercial development within the Candlestick Point Special Use District that will complement a new sports stadium and the other commercial areas within the South Bayshore Area and the City, and that will create job opportunities for South Bayshore residents.

The existing sports stadium within this district may be replaced with a new professional football stadium of a size and character suitable for hosting the National Football League's Super Bowl on a regular basis. The construction of a new football stadium should be accompanied by development of retail and entertainment uses complementary to the stadium that will assist in revitalizing the economy of the area and create employment opportunities for South Bayshore residents. The City should require developers of new uses within the district to make good faith efforts to provide both construction and permanent jobs to South Bayshore residents.

Commercial development within the district should consist primarily of destination-oriented uses that will supplement, and not substitute for, neighborhood-serving retail services within the South Bayshore area and particularly in the Third Street core commercial area. Structures to house retail and entertainment uses within the Candlestick Point Special Use District should be integrally linked to, and should be planned and developed as a comprehensive unit with, the stadium complex. The existing shoreline trail should be retained and enhanced. In addition, commercial development within the district should incorporate open space areas to the extent feasible. Transportation and transit improvements should be made in conjunction with development within the district. The City, with public input, should coordinate development within the Candlestick Point Special Use District with on-going revitalization efforts for the South Bayshore area.

(d) Map 1 of the Recreation and Open Space Element shall be amended so that all property within the Candlestick Point Special Use District that is shown as property owned by the "Recreation and Park Department" shall be shown instead as property owned by "Other City Departments".

(e) Maps 2, 4, 8 and 9 of the Recreation and Open Space Element shall be amended by deleting all property within the Candlestick Point Special Use District from the "Existing Public Open Space" designation on Maps 2 and 4; the "Public Open Space" designation on Map 8; and the "Public Recreation and Open Space" designation on Map 9.

(f) Map 2 of the Commerce and Industry Element shall be amended to add a notation for all

property within the Candlestick Point Special Use District that states, "Candlestick Point Special Use District; see applicable Planning Code provisions."

(g) Map 4 of the Urban Design Element shall be amended to add a notation for all property within the Candlestick Point Special Use District that states, "Candlestick Point Special Use District; see applicable Planning Code provisions."

(h) The Land Use Index shall be amended to conform to the amendments made above in subsections (a) through (g) in this Section 4.

Section 5. [Special Use District] .

Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding Section 249.19 to read as follows:

"Section 249.19 Candlestick Point Special Use District.

A Special Use District, entitled the "Candlestick Point Special Use District" the boundaries of which are designated on Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco, and which is generally bounded by Jamestown Avenue Extension, Giants Drive, Gilman Avenue, Arelious Walker Drive (Fitch Street), Carroll Avenue, Griffith Street, and San Francisco Bay, is hereby established for the purpose set forth below. The following provisions shall apply within the Candlestick Point Special Use District:

(a) *Purpose.* The following controls, imposed in the Candlestick Point Special Use District shall accommodate the development of a stadium suitable for professional football and the National Football League's Super Bowl ("Stadium") and a retail shopping and entertainment center ("Retail/ Entertainment Center"), together with open space and related parking facilities (collectively, the "Combined Project"), as principal uses, and other uses as conditional uses.

(b) *Controls.* The specific controls set forth herein shall apply only to the principal uses and conditional uses described in this Section 249.19(b). Any other development not described herein shall be governed by the underlying zoning controls.

(1) *Principal Uses.* The following uses shall be permitted as principal uses in this Special Use District:

(i) Stadium: A stadium, primarily to be used for professional football, but which may also be used for other sporting events or outdoor entertainment events, and which may include other assembly and entertainment uses, and other uses related to the stadium, including retail sales and personal service uses, sports clubs, restaurants and office uses accessory to the stadium (which shall not be deemed an "office development" subject to the provisions of Planning Code Sections 309 through 325 et seq.).

(ii) Retail/Entertainment Center: A Retail/ Entertainment Center which may include any type or size of retail establishment, restaurant, bar, entertainment use (including but not limited to movie theaters), amusement enterprise (including but not limited to arcades, nightclubs, bowling alleys, and skating rinks), and amusement park. Principal uses allowed under this subsection (ii) shall be limited to a total of 1,400,000 square feet of occupied floor area.

(iii) Open Space: Areas devoted to landscaping, shoreline access, shoreline trails, and active or passive recreational uses. The areas used for passive or active recreational uses may also be used as temporary parking areas to support stadium events, provided that such areas shall not be paved and shall include drainage and other improvements appropriate for both open space and temporary parking uses.

(iv) Parking: Off-street vehicle parking, provided by surface parking lots or underground or above ground parking garages to serve the Stadium and Retail/Entertainment Center.

(2) *Conditional Uses.* The Planning Commission may authorize the following uses within the Special Use District as a conditional use:

(i) Any principally permitted uses allowed under Section 249.19(b)(1)(ii) which exceed a total of 1,400,000 square feet of occupied floor area.,

(ii) Any use not specified in subsection (b)(1) above and permitted in any C District, as that term is defined in Planning Code Section 102.5.

(3) *Prohibited Uses.* Adult entertainment establishments, as defined in Planning Code Section 790.36, massage establishments as defined in Planning Code Section 790.60 and any type of gambling, wagering or gambling establishment, shall not be permitted within the Special Use District.

(4) *Floor Area Ratio.* There shall be no floor area ratio limitation for the Combined Project or any approved conditional use.

(5) *Design Review By Planning Commission.* Any application for a new structure, or major alteration of an existing structure, to house a use

permitted by this section as a principal use under Section 2.49.19(b)(1) shall be subject to design review and approval by the Planning Commission. The Planning Commission shall approve such application if it finds that the proposed development meets the applicable height bulk, floor area limitation and parking standards of this Section 249.19(b), and is consistent with the Priority Policies set forth in Planning Code Section 101.1, and that the architectural design of the structures, the landscaping, and the quantity and design of usable open space are appropriate for the intended use, location and purpose of the structure(s). The Planning Commission shall take final action on any completed application for a development permitted by this section within 60 days of its first public hearing on the application. The procedures and criteria in this subsection shall govern in lieu of the discretionary review process set forth in Section 26 of Part III of the San Francisco Municipal Code. The fee for review of any application under this subsection shall be based on the cost of the time and materials (calculated at a rate of $77/hour as may be adjusted by the Consumer Price Index) up to a maximum fee of $14,800.

(6) *Parking.* Parking shall be governed by Article 1.5 of the Planning Code unless otherwise specified in this subsection.

(i) Planning Code Section 159 and subsections (a), (b), (h) and (p) of Planning Code Section 155 shall not apply to parking provided within the Special Use District. Planning Code Sections 155(i) and (j) shall apply only to the amount of parking required under Section 151.

(ii) For the purposes of calculating minimum required parking under Planning Code Section 151, in no case shall the total number of required parking spaces for the Combined Project exceed the greater of either the parking spaces calculated for the Stadium or the parking spaces calculated for the Retail /Entertainment Center, standing alone.

(7) *Appeal.* The Planning Commission's determination on the design of the Combined Project pursuant to Section 249.19(b)(5) shall be a final determination on all design issues, except that the Arts Commission shall review the design, if required by Charter Section 5.103. Notwithstanding the provisions of Section 26 of Part III of the San Francisco Municipal Code, review by the Board of Appeals on the issuance of any demolition permit, building or site permit in this Special Use District shall be limited to compliance with the San Francisco Building Code, Health Code and Fire Code.

(c) *State Park Land.* To the extent any land owned or otherwise under the jurisdiction or control of the California Department of Parks and Recreation is included within the boundaries of the Special Use District, any development on such land shall be consistent with the purpose of the Candlestick Point State Recreation Area and shall continue to make available to the people the recreational opportunities that are offered by the shoreline, waters and environment of San Francisco Bay. To this end, no development shall be permitted within 120 feet of the shoreline of the San Francisco Bay, as measured at mean low tide.

Section 6. [Height Limit; Exceptions]

(a) Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding Section 263.14 to read as follows:

"Section 263.14. Height Restrictions for Candlestick Point Special Use District.

In the 60/150-200-X Height and Bulk District as designated on Sectional Map No. 10H of the Zoning Map, the height limit shall be 60 feet, except that heights up to 200 feet shall be permitted for any stadium use permitted within the Candlestick Point Special Use District. An exception to the 60 foot height limit may be granted by the Planning Commission as a conditional use within the Candlestick Point Special Use District up to a maximum height of 150 feet. In the event any stadium constructed within the Special Use District is integrated into a retail shopping center or other structure, any transitional structures which connect or otherwise attach the stadium to the other structure shall be considered part of the stadium for purposes of determining the permissible height of the transitional structure. All structures within the Candlestick Point Special Use District shall be exempt from the provisions of Planning Code Section 295.

(b) Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding subsection (L) to Section 260(b)(1) to enact the following exemption from height limits otherwise established by the City Planning Code:

"(L) In the Candlestick Point Special Use District, light standards for the purpose of the lighting the stadium, scoreboards associated with the stadium, and flagpoles and other ornamentation associated with the stadium."

Section 7. [Signs]

Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by adding Section 608.51 to read as follows:

"Section 608.4A. Signs for Uses Within the Candlestick Point Special Use District.

Any sign that directs attention to a business, commodity, service, industry or other activity that is or will be sold, offered or conducted within the Candlestick Point Special Use District and that either is greater than 200 square feet in area or extends above the roofline of the building upon which the sign is located ("SUD Sign") shall be permitted within the Candlestick Park Special Sign District if approved by the Planning Commission as a conditional use. Planning Code Sections 608.4, 608.5 and 609.2, or any other regulation applicable to, signs within the Candlestick Park Special Sign District, shall not apply to SUD Signs. SUD Signs shall conform to the restrictions set forth in Planning Code Section 607 for signs in C-3 Districts, except that there shall be no height limit for SUD Signs. The Planning Commission may authorize a SUD Sign as a conditional use if the design of the sign and any associated sign structure is appropriate for the intended use and location. This criterion shall be in lieu of the criteria set forth in Planning Code Section 303(c)(1) through (4). Any scoreboard or sign within a stadium located in the Candlestick Point Special Use District shall be exempt from regulation under Article 6 of the Planning Code. Principally permitted signs within the Special Use District shall be consistent with a program submitted and approved by the Planning Commission as part of the design review process for the Candlestick Point Special Use District.

Section 8. [Special Use District Boundaries; Zoning Maps].

(a) The boundaries of the Candlestick Point Special Use District created by this Ordinance are shown in Figure 1 attached hereto, which is provided for general orientation purposes only.

(b) Special Use Map. Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending Sectional Map No. 10 SU of the Zoning Maps of the City and County of San Francisco to include the Candlestick Point Special Use District, the boundaries of which are hereinafter described.

The Special Use District shall include property bounded as follows, with street boundaries following the centerline of the referenced streets: Beginning at the point which is the intersection of Giants Drive and Gilman Avenue (the point of beginning), along Gilman Avenue to Arelious Walker Drive (also known as Fitch Street), along Arelious Walker Drive to Carroll Avenue, along Carroll Avenue to Griffith Street (a mapped but unconstructed street), along Griffith Street to the San Francisco Bay shoreline, then continuing south along the San Francisco Bay shoreline to Alvord Street (a mapped but unconstructed street), then continuing south and west along a line extending from Alvord Street to the San Francisco Bay shoreline, continuing east along the San Francisco Bay shoreline to Coleman Street (a mapped but unconstructed street), then north and east along Coleman Street to Jamestown Avenue Extension, then along the Jamestown Avenue Extension to the farthest west point of Assessor's Block No. 5000, then along the north west border of Assessor's Block No. 5000 to Giants Drive, then along Giants Drive to the intersection of Giants Drive and Gilman Avenue (the point of beginning).

Existing Use Districts	Use District Hereby Approved
P, M-1, M-2, RH-2	To Existing Use Districts Add the Candlestick Point Special Use District Overlay

(c) Height and Bulk. Part II, Chapter II of the San Francisco Municipal Code (City Planning Code) is hereby amended by amending Sectional Map No. 10 H of the Zoning Maps to enact the following changes in the height and bulk classifications for the property within the Candlestick Point Special Use District, as more particularly described in subsection (b) in this Section 8.

Height and Bulk Districts to be Superseded	Height and Bulk District Hereby Approved
OS; 40-X	60/150-200-X

Section 9. [Waterfront Plan]

Chapter 61 of the San Francisco Administrative Code ("Waterfront Land Use"), adopted by the People of the City and County of San Francisco pursuant to Proposition H, is hereby amended as follows:

(a) Section 61.2(d) shall be amended by adding the following subsection:

"(3) This provision shall not be applicable to any new development within the Candlestick Point Special Use District."

(b) Section 61.4 shall be amended by adding the following subsection:

"(i) Within the Candlestick Point Special Use District, any use that is permitted as a principal or conditional use under Planning Code Section 249.19."

Section 10. [Public Contracting Provisions]

Notwithstanding any provision of the San Francisco Municipal Code (the "Municipal Code") or any other ordinance or regulation of the City and County of San Francisco to the contrary, the Stadium, Retail/Entertainment Center and related physical improvements and infrastructure to be constructed in the Candlestick Point Special Use District shall not be deemed to be a "public work or improvement" as that term or any similar term is used in any provision of the Municipal Code or any other ordinance or regulation of the City and County of San Francisco, including but not limited to, Chapter 6 of the San Francisco Administrative Code. No provision of the Municipal Code, nor any other ordinance or regulation of the City and County of San Francisco shall be deemed to require the person or entities, including the City and County of San Francisco constructing any portion or all of the Stadium, Retail/Entertainment Center and related improvements and infrastructure, to follow any particular procedure, comply with any bidding or advertising requirements, or otherwise engage in any particular practice with respect to the selection of contractors or subcontractors for the award of contracts or subcontracts for the design, construction, purchase of materials, management or operation of any portion or all of the stadium, retail shopping and entertainment center and associated improvements; provided, however, the design and construction of the Stadium, Retail/Entertainment Center and related improvements and infrastructure shall be subject to the applicable provisions of Chapter 12B, 12C and 12D of the San Francisco Administrative Code and to the terms and conditions of any public financing and the ground lease or leases. It is the intent of the people of the City and County of San Francisco, in adopting this section of this Ordinance, that the design and construction of the Stadium, Retail/Entertainment Center and related improvements and infrastructure shall be done in an expeditious manner, and shall not be undertaken as if such, design and construction were the design and construction of conventional public work or improvement. This section shall be liberally construed to fulfill this intent.

Section 11. [Redevelopment Agency]

The Candlestick Point Special Use District is within the South Bayshore Redevelopment Survey Area. In the event that a Redevelopment Project Area is adopted which includes the Combined Project, the Combined Project shall be subject to the authority of the Redevelopment Agency of the City and County of San Francisco authority pursuant to state law.

Section 12. [Compliance With Laws]

Except as otherwise specified herein, the construction of the Combined Project shall be subject to all federal, state and local laws, ordinance and regulations (as the same may be amended), including but not limited to the California Environmental Quality Act (Public Resources Code Section 21000, et seq.).

Section 13. [Amendment]

Any provision of this ordinance may be amended by the Board of Supervisors and shall not require the vote of the electors of the City and County of San Francisco, provided that such amendments are consistent with the purpose and intent of this ordinance.

Section 14. [Severability]

If any provision of this ordinance, or any application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any provision or application of this ordinance that can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable.

APPENDIX 36: SALE OF LAND AT THE TOP OF MT. DAVIDSON PARK

Proposition F, Adopted November 4, 1997

ORDERING SUBMISSION TO THE VOTERS OF AN ORDINANCE APPROVING THE SALE OF APPROXIMATELY .38 ACRES AT THE TOP OF MT. DAVIDSON PARK INCLUDING THE LAND UPON WHICH THE MT. DAVIDSON CROSS STANDS. THE LAND IS SOLD SUBJECT TO THE RESTRICTION THAT IT REMAIN OPEN SPACE AVAILABLE FOR PUBLIC USE. THE ORDINANCE ALSO APPROPRIATES THE MONEY REALIZED FROM THE SALE FOR THE PURCHASE OF PARK PROPERTY AND RATIFIES THE PROCEDURES USED TO NOTICE, CONDUCT, AUTHORIZE AND APPROVE THE SALE.

The Board of Supervisors hereby orders submitted to the qualified electors of the City and County of San Francisco, at an election to be held therein on November 4, 1997, an ordinance, submitted by the Board of Supervisors, approving the sale of approximately .38 acres, at the top of Mt. Davidson Park, including the land upon which the Mt. Davidson Cross stands, subject to the restriction that it remain open space available for public use. The ordinance also appropriates the proceeds realized from the sale for the acquisition of park property and ratifies the procedures used to notice, conduct, authorize and approve the sale. The new ordinance shall read as follows:

[Sale of a Portion of Mt Davidson Park]

AN ORDINANCE APPROVING THE SALE OF APPROXIMATELY.38 ACRES AT THE TOP OF MT. DAVIDSON PARK INCLUDING THE LAND UPON WHICH THE MT. DAVIDSON CROSS STANDS. THE LAND IS SOLD SUBJECT TO THE RESTRICTION THAT IT REMAIN OPEN SPACE AVAILABLE FOR PUBLIC USE. THE ORDINANCE ALSO APPROPRIATES THE MONEY REALIZED FROM THE SALE FOR THE ACQUISITION OF PARK PROPERTY AND RATIFIES THE PROCEDURES USED TO NOTICE, CONDUCT, AUTHORIZE AND APPROVE THE SALE.

Note: All sections are new.

Be it ordained by the People of the City and County of San Francisco:

Section 1.

(a) In accordance with the judgment of the United States Court of Appeal for the Ninth Circuit in *Carpenter v. City and County of San Francisco,* Case No. 92-16767, the voters of the City and County of San Francisco hereby approve the sale of approximately .38 acres at the top of Mt. Davidson Park, which sale was conducted by the City's Director of Property as a conditional sale subject to the approval of the electorate. The purchaser is the Council of Armenian American Organizations of Northern California and the purchase price is $26,000.00. The legal description of the property and the map of the parcel is on file in File No. 60-97-6 in the Office of the Clerk of the Board of Supervisors.

(b) The sale is subject to the condition that the land remain open space available for public use and is subject to such other conditions as may be imposed at the time of sale. The documents reflecting the exact terms of the conditions placed on use of the parcel are

on file in File No. 60-97-6 in the Office of the Board of Supervisors.

(c) The proceeds from the sale of the parcel are hereby appropriated for acquisition of real property, the selection of which is subject to the approval of the Board of Supervisors, to be dedicated to park purposes and placed under the jurisdiction of the Recreation and Park Commission.

(d) The voters of the City and County of San Francisco hereby ratify the procedures used to notice, conduct, authorize and approve this sale.

APPENDIX 37: REGULATION OF CAMPAIGN CONSULTANTS

Proposition G, Adopted November 4, 1997

Be it ordained by the People of the City and County of San Francisco:

Section 1.

Chapter 16 of the San Francisco Administrative Code is hereby amended by adding Sections 16.540—16.547, to read as follows:

ARTICLE XIIC
REGULATION OF
CAMPAIGN CONSULTANTS

SEC. 16.540. FINDINGS.

(a) The City and County of San Francisco has a paramount interest in protecting the integrity and credibility of its electoral and government institutions. Election campaigns are highly competitive in San Francisco, and candidates frequently contract for the services of professional campaign consultants who specialize in guiding and managing campaigns.

(b) It is the purpose and intent of the people of the City and County of San Francisco in enacting this Article to impose reasonable registration and disclosure requirements on campaign consultants. Required registration and disclosure of information by campaign consultants will assist the public in making informed decisions, and protect public confidence in the electoral and governmental processes.

SEC. 16.541. DEFINITIONS.

Whenever used in this Article, the following definitions shall apply:

(a) "Campaign consultant" means any person or entity that receives or is promised economic consideration equaling $1,000 or more in a calendar year for campaign consulting services. The term "campaign consultant" includes any person or entity that subcontracts with a campaign consultant to provide campaign consulting services, and that receive or are promised economic consideration equaling $1,000 or more in a calendar year for providing campaign consulting services. The term "campaign consultant" does not include persons who are employees of a campaign consultant, attorneys who provide only legal services, accountants who provide only accounting services, pollsters who provide only polling services, and treasurers who provide only those services which are required of treasurers by the Political Reform Act, California Government Code § 81000, *et seq.*

(b) "Campaign consulting services" means participating in campaign management or developing or participating in the development of campaign strategy.

(c) "Campaign management" means conducting, coordinating or supervising a campaign to elect, defeat, retain or recall a candidate, or adopt or defeat a measure, including but not limited to hiring or authorizing the hiring of campaign staff and consultants, spending or authorizing the expenditure of campaign funds, directing, supervising or conducting the solicitation of contributions to the campaign, and selecting or recommending vendors or subvendors of goods or services for the campaign.

(d) "Campaign strategy" means plans for the election, defeat, retention or recall of a candidate, or for the adoption or defeat of a measure, including but not limited to producing or authorizing the production of campaign literature and print and broadcast advertising, seeking endorsements of organizations or individuals, seeking financing, or advising on public policy positions.

(e) "Candidate" means a person who has taken affirmative action to seek nomination or election to local office, a local officeholder who has taken

affirmative action to seek nomination or election to any elective office, or a local officeholder who is the subject of a recall election.

(f) "Economic consideration" means any payments, fees, commissions, reimbursements for expenses, gift, or anything else of value.

(g) "Lobby" means communicate with a local officeholder for the purpose of influencing local legislative or administrative action in exchange for economic consideration.

(h) "Lobbyist" is defined in Administrative Code § 16.520, *et seq.*

(i) "Local office" means the following elective offices in the City and County of San Francisco: Mayor, Board of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender, Board of Education of the San Francisco Unified School District, and Governing Board of the San Francisco Community College District.

(j) "Measure" means a local referendum or local ballot measure, whether or not it qualifies for the ballot.

(k) "Vendor" means a person or entity who sells goods or services, other than campaign consulting service including but not limited to printing, catering, and transportation services. The term "vendor" does not include attorneys who provide only legal services, accountants who provide only accounting services, pollsters who provide only polling services, and treasurers who provide only those services which are required of treasurers by the Political Reform Act, California Government Code § 81000 *et seq.*

SEC. 16.542. PROHIBITIONS.

It shall be unlawful for any campaign consultant to provide campaign consulting services, or accept any economic consideration for the provision of campaign consulting services, without first registering with the Ethics Commission and complying with the reporting requirements specified in Section 16.543.

SEC. 16.543. REGISTRATION, RE-REGISTRATION, REPORTING, AND FEES.

(a) REGISTRATION REPORTS. At the time of initial registration, each campaign consultant shall report to the Ethics Commission the following information:

(1) The name, business address and business phone number of the campaign consultant;

(2) if the campaign consultant is an individual, the name of the campaign consultant's employer and a description of the business activity engaged in by the employer;

(3) the names of any individuals employed by the campaign consultant to assist in providing campaign consulting services;

(4) a statement of whether the campaign consultant is required to register with the Ethics Commission pursuant to the Lobbyist Ordinance, San Francisco Administrative Code § 16.520, *et seq.*;

(5) a statement of whether the campaign consultant is required to register with the Tax Collector pursuant to the Business Tax Ordinance, San Francisco Municipal Code, Part III, §1001, *et seq.*;

(6) the name, address, and telephone number of each client to whom the campaign consultant provided campaign consulting services during the preceding three months;

(7) for each client, the total economic consideration promised by or received from the client in exchange for the provision of campaign consulting services during the preceding three months, provided that the total is $500 or more;

(8) each political contribution of $100 or more made or delivered by the campaign consultant or made by a client at the behest of the campaign consultant or for which the campaign consultant acted as an agent or intermediary, during the preceding three months in support of or in opposition to a candidate or measure;

(9) the cumulative total of all political contributions made or delivered by the campaign consultant or which is made by a client at the behest of the campaign consultant, or for which the campaign consultant acted as an agent or intermediary, during the preceding three months in support of or in opposition to each individual candidate or measure, provided that the cumulative total is $500 or more;

(10) any gifts promised or made by the campaign consultant to a local officeholder during the preceding three months which in the aggregate total $50 or more; and

(11) any other information required by the Ethics Commission consistent with the purposes and provisions of this Article.

(b) RE-REGISTRATION REPORTS. Each campaign consultant shall re-register annually no later January 1.

(c) FEES. At the time of initial registration and re-registration, each campaign consultant shall pay to the Ethics Commission a registration fee and an additional fee for each client of the campaign consultant. These fees shall be proposed by the Ethics Commission for approval by the Board of Supervisors. The fees shall be approved by the Board no later than December 1 for implementation during the following calendar year. When a client is acquired subsequent to initial registration or re-registration, the per-client fee shall be paid at the time of filing the information required by subsection (d). The Ethics Commission shall deposit fees collected pursuant to this section in the General Fund of the City and County of San Francisco.

(d) CLIENT AUTHORIZATION STATEMENTS. At the time of initial registration, the campaign consultant shall submit to the Ethics Commission a written authorization from each client that contracts with the campaign consultant for campaign consulting services.

If the campaign consultant is retained by a client after the date of initial registration, the campaign consultant must file a Client Authorization Statement before providing any campaign consulting services to the client and before receiving any economic consideration from the client in exchange for campaign consulting services, and in any event no later than 15 days after being retained to provide campaign consulting services to the client.

(e) QUARTERLY REPORTS. Each campaign consultant shall file with the Ethics Commission quarterly reports containing the following information:

(1) For each client, the total economic consideration promised by or received from the client during the reporting period for campaign consulting services, provided that the total is $500 or more;

(2) the total economic consideration promised by or received from all clients during the reporting period for campaign consulting services;

(3) political contributions of $100 or more made or delivered by the campaign consulting or made by a client at the behest of the campaign consultant, or for which the campaign consultant acted as an agent or intermediary, during the reporting period in support of or in opposition to a candidate or measure;

(4) the cumulative total of all political contributions made or delivered by the campaign consultant, or made by a client at the behest of the campaign consultant, or for which the campaign consultant acted as an agent or intermediary, during the reporting period in support of or in opposition to each individual candidate or measure, provided that the cumulative total is $500 or more;

(5) any gifts promised or made by the campaign consultant to a local officeholder during the reporting period which in the aggregate total $50 or more;

(6) economic consideration promised to or received by the campaign consultant during the reporting period from vendors and subvendors who provided campaign-related goods or services to a current client of the campaign consultant;

(7) the name of each local officeholder and City employee who is employed by the campaign consultant or by a client of the campaign consultant at the behest of the campaign consultant, during the reporting period;

(8) each City contract obtained by the campaign consultant during the reporting period, provided that the contract is approved by a local officeholder who is a client of the campaign consultant;

(9) each appointment to public office received by the campaign consultant during the reporting period provided that the appointment is made by a local officeholder who is a client of the campaign consultant;

(10) any other information required by the Ethics Commission consistent with the purposes and provisions of this Article.

Quarterly reports are due as follows: The report for the period starting December 1 and ending February 28 is due March 15; the report for the period starting March 1 and ending May 31 is due June 15; the report for the period starting June 1 and ending August 31 is due September 15; and the report for the period starting September 1 and ending November 30 is due December 15.

(f) CLIENT TERMINATION STATEMENTS. Within 30 days after a client terminates the services of a campaign consultant, the campaign consultant shall submit to the Ethics Commission a statement that the client has terminated the services of the campaign consultant. A campaign consultant may not provide campaign consulting services to a client or accept economic consideration for the provision of campaign

consulting services after a client termination statement is filed, until a new client authorization statement has been filed pursuant to Section 16.543(d).

(g) CAMPAIGN CONSULTANT TERMINATION STATEMENTS. A campaign consultant shall comply with all requirements of this Article until the campaign consultant ceases all activity as a campaign consultant and files a statement of termination with the Ethics Commission. A statement of termination must include all information required by subsection (e) for the period since the campaign consultants last quarterly report.

(h) Each campaign consultant shall verify, under penalty of perjury, the accuracy and completeness of the information provided under Sections 16.543 and 16.544(c).

(i) Each campaign consultant shall retain for a period of five years all books, papers and documents necessary to substantiate the reports and statements required under this Article.

SEC. 16.544. POWERS AND DUTIES OF THE ETHICS COMMISSION.

(a) The Ethics Commission shall provide forms for the reporting of all information required by this Article.

(b) The Ethics Commission shall issue a registration number to each registered campaign consultant.

(c) At the time of initial registration and reregistration, the Ethics Commission shall provide the campaign consultant with a copy of the City's campaign and lobbyist laws, the Code of Conduct specified in Section 16.545, and any related material which the Commission determines will serve the purposes of this Article. Each campaign consultant must sign a statement acknowledging receipt of these materials.

(d) The Ethics Commission shall compile the information provided in registration and quarterly reports filed pursuant to this Article as soon as practicable after the close of each quarter and shall forward a report of the compiled information to the Board of Supervisors and the Mayor.

(e) The Ethics Commission shall preserve all original reports, statements, and other records required to be kept or filed under this Article for a period of five years. Such reports, statements, and records shall constitute a part of the public records of the Ethics Commission and shall be open to public inspection.

(f) The Commission shall provide formal and informal advice regarding the duties under this Article of a person or entity pursuant to the procedures specified in San Francisco Charter Section C3.699-12.

(g) The Ethics Commission shall have the power to adopt all reasonable and necessary rules and regulations for the implementation of this Article pursuant to the procedure specified in Charter section C3.699-9.

SEC. 16.545. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.

(a) If any campaign consultant files an original statement or report after any deadline imposed by this Article, the Ethics Commission shall, in addition to any other penalties or remedies established in this Article, fine the campaign consultant $50 per day after the deadline until the statement or report is received by the Ethics Commission. If any campaign consultant files an original statement or report after any deadline imposed by this Article, when the deadline is fewer than thirty days before or after an election, the Ethics Commission shall, in addition to any other penalties or remedies established in this Article, fine the campaign consultant $100 per day after the deadline until the statement or report is received by the Ethics Commission. The Ethics Commission may reduce or waive a fine if the Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Article. The Ethics Commission shall deposit funds collected under this Section in the General Fund of the City and County of San Francisco.

(b) Any person who believes that Section 16.542 has been violated may file a complaint with the Ethics Commission. Upon receipt of a complaint, or upon its own initiative, the Commission may investigate allegations of a violation of Section 16.542 and enforce the provisions of Section 16.542 pursuant to the procedures established in San Francisco Charter Section C3.699-13, and the Commission's rules and regulations adopted pursuant to Charter section C3.699-9.

(c) When the Commission, pursuant to the procedures specified in Charter Section C3.699-13, determines on the basis of substantial evidence that a person or entity has violated Section 16.542, the

Commission may require the person or entity to: (1) cease and desist the violation; (2) file any reports or statements or pay any fees required by this Article; and/or (3) pay a monetary penalty of up to $5,000 for each violation, or three times the amount not properly reported, whichever is greater. The Commission may cancel for up to one year the registration of any campaign consultant who has violated Section 16.542. A campaign consultant whose registration has been canceled pursuant to this section may not provide campaign consulting services in exchange for economic consideration for the period that the registration is canceled. When the period of cancellation ends, the campaign consultant may reregister pursuant to Section 16.543(a) and (c).

(d) Any person or entity which knowingly or negligently violates or who causes any other person to violate Section 16.542 may be liable in a civil action brought by the City Attorney for an amount up to $5,000 per violation, or three times the amount not properly reported, whichever is greater.

(e) Any person or entity which intentionally or negligently violates Section 16.542 is guilty of a misdemeanor.

(f) No administrative, civil, or criminal action shall be maintained to enforce Section 16.542 unless brought within four years after the date the cause of action accrued or the date that the facts constituting the cause of action were discovered by the Ethics Commission, City Attorney, or District Attorney, whichever is later.

(g) In investigating any alleged violation of Section 16.542, the Ethics Commission and City Attorney shall have the power to inspect upon reasonable notice, all documents required to be maintained under Section 16.543(i). This power to inspect documents is in addition to other powers conferred on the Ethics Commission and City Attorney by the Charter or by ordinance, including the power of subpoena.

SEC. 16. 46. CODE OF CONDUCT.

At the time of initial registration and re-registration, each campaign consultant must elect whether to voluntarily comply with the following Code of Conduct:

"I am familiar with all the laws, rules and regulations applicable to local campaigns;

"I will not knowingly make false statements about the qualifications or positions of any candidate, or about the scope and effect of any measure;

"I will not knowingly make false statements that any real or fictitious person supports or opposes a candidate or measure; "In the event that I make inadvertent false statements about the qualifications or positions of any candidate, or about the scope and effect of any measure, I will endeavor to provide corrected information in written form to the Ethics Commission within five days;

"I will refrain from appealing to prejudice in the conduct of a campaign, and from conducting, managing or advising a campaign, which appeals to prejudice based on race, gender, ethnic background, religious affiliation or nonaffiliation, sexual orientation, age, disability, or economic status;

"I will refrain from seeking to obtain the support of or opposition to any candidate or measure by the use of financial inducements or by the use of threats or coercion;

"I will refrain from influencing the submission of a measure to the San Francisco voters for the *sole* purpose of obtaining economic consideration for campaign consulting services;

"I will disclose through a filing at the San Francisco Ethics Commission any agreements that would result in a campaign consulting contract resulting from my efforts to influence the submission of a measure to the San Francisco voters at the time that I seek the submission of any such measure;

"I will refrain from seeking to evade, or participating in efforts of others to evade, the legal requirements in laws pertaining to political campaigns;

"I will not knowingly participate in the preparation, dissemination, or broadcast of paid political advertising or campaign materials that contain false information; and "I will refrain from accepting clients whose interests are adverse to each other."

SEC. 16.547. SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase or portion of this Article, or the application thereof to any person or entity is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article or its application to other

persons, business entities, or organizations. The Board of Supervisors hereby declares that it would have adopted this Article, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions, or the application thereof to any person or entity, to be declared invalid or unconstitutional.

APPENDIX 38: PROVIDING FOR THE USE OF CITY HALL FOR CITY GOVERNMENTAL BUSINESS AND NOT FOR AN ENTERTAINMENT CENTER

Proposition F, Adopted June 2, 1998

ORDINANCE PROVIDING FOR THE USE OF CITY HALL FOR CITY GOVERNMENTAL BUSINESS AND NOT FOR AN ENTERTAINMENT CENTER

An ordinance requiring the use of City Hall as the primary place of business of San Francisco City government, ensuring maximum cost savings to taxpayers, prohibiting City Hall use as an entertainment center, abolishing use of taxpayer monies for office of protocol and providing a severability clause.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Title

This ordinance shall be known and may be cited as the San Francisco City Hall Cost Saving and Good Government Act of 1998.

Section 2. Findings and Declarations

(a) The people of the City and County of San Francisco find and declare that the San Francisco Board of Supervisors voted 11-0 to submit Proposition A, City Hall Improvement Bonds in the amount of $63,590,000, to the voters in the November, 1995 municipal election.

(b) The people of the City and County of San Francisco further find and declare the Board of Supervisors argument in favor of Proposition A of 1995, City Hall Improvement Bonds stated that approval of the bonds would "save money by moving rent-paying departments into space formerly used by the Courts on the 3rd and 4th floors."

(c) The people of the City and County of San Francisco further find and declare the Board of Supervisors specifically stated in its argument that "Proposition A is a cost-saving and good government measure."

(d) The people of San Francisco further find and declare that the Ballot Simplification Committee in its Digest of said Proposition A stated: "The City plans to use this money to convert space formerly used for courtrooms to office space."

(e) The people of the City and County of San Francisco hereby further find and declare that the City Hall Improvement Bonds, as a result of such official representations, were approved by a two-thirds majority of voters in the November, 1995 municipal election.

(f) The people of the City and County of San Francisco further find and declare that it is in the best interest of the City and County that City Hall be occupied by city departments which currently pay rent for private space and that the cost savings promised by the San Francisco Board of Supervisors be achieved.

(g) The people of the City and County of San Francisco hereby find and declare that the most beneficial use of City Hall is as a place of business for city government, and not as a municipal entertainment center.

Section 3. Purpose and Intent

The people of the City and County of San Francisco hereby declare their purpose and intent in enacting the measure as follows:

(a) To require that City Hall is used as the primary place of business of the government of the City and County of San Francisco.

(b) To ensure maximum cost savings and greater public access to city government, as promised by the San Francisco Board of Supervisors and the proponents of the 1995 $63,590,000 bond measure approved by San Francisco voters to fund City Hall improvements.

(c) To ensure that, except for the rotunda thereof, City Hall be used and occupied exclusively for business by city government agencies and departments and that space not be used lavishly or wastefully by any city government office or officer or for entertainment or banquet facilities.

Section 4. City Hall Cost Savings

(a) All city departments that occupied City Hall prior to October 17, 1989 shall occupy City Hall upon completion of said building's seismic strengthening and remodeling. The amount of space allocated to, and occupied by, each such department shall be no less than that allocated and occupied by it as of October 17, 1989. Such departments shall include the controller, assessor, recorder, tax collector, treasurer, registrar of voters, sheriff's administrative office, purchaser, public utilities commission, civil service commission, board of permit appeals, board of supervisors, mayor, city attorney, department of public works and city administrator. The amount of space allocated to, and occupied by, media representatives in City Hall shall be no less than that allocated to media representatives as of October 17, 1997 and shall be located so as to maximize access to public meetings.

(b) A three-fourths majority vote of the members of the board of supervisors shall be required to exempt any such department from occupying, in whole or in part, to City Hall upon completion of the building's seismic strengthening and remodeling and such exemption shall be based upon a specific finding by the board of supervisors that fiscally demonstrable savings exist for any such exemption.

(c) The positions and appropriations of the office of protocol are hereby repealed and abolished. All operations of the office of protocol shall be conducted in accordance with the laws and practices existing as of October. 17, 1989.

(d) The historical exterior and interior appurtenances of City Hall as of October 17, 1989 shall be preserved unless fiscal, scientific or legal reasons are specifically found by the Board of Supervisors to exist to do otherwise.

Section 5. Severability

If any section, subsection, subdivision, paragraph, clause or phrase in this ordinance or any part thereof is for any reason held unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. It is hereby declared that this ordinance and each section, subsection, subdivision, paragraph, clause or phrase thereof, would have been passed irrespective of the fact that any one or more, other sections, subsections, subdivisions, paragraphs, clauses or phrases had been declared unconstitutional, invalid or ineffective.

APPENDIX 39: WATER CONSUMPTION AND SEWER SERVICE RATES, FEES AND CHARGES

Proposition H, Adopted June 2, 1998

ORDINANCE REGULATING RATES, FEES AND CHARGES IMPOSED FOR WATER CONSUMPTION AND SEWER SERVICE

An ordinance regulating rates, fees and charges for the furnishing of water and sewer service to commercial, residential and other consumers within the city and county; providing certain exceptions when water or sewer service is provided by agreement; providing for expiration of rate regulation; and providing a severability clause.

Be it ordained by the people of the city and county of San Francisco:

Section 1. Findings.

The people of the city and county hereby find and declare:

(a) For in excess of twenty years, city government has repeatedly informed the rate payers that extensive capital improvements are and have been needed to adequately maintain, operate and upgrade the water collection, distribution, treatment and sewage system of the city and county.

(b) Over this same period of time, a series of significant increases in the rates charged for water consumption and sewer service have been imposed on the rate payers of the city and county, ostensibly to finance the same capital improvements, the costs of which have amounted to hundreds of millions of dollars.

(c) As this financial burden on rate payers has steadily increased year by year in order to produce revenues sufficient to operate and maintain the water and sewer system and finance the cost of upgrades, city government has diverted hundreds of millions of dollars of so-called "excess" revenues produced by this same system to fund unrelated general city services. All such revenue diversions have been justified on the ground that the funds are surplus and unnecessary to the operation of the water and sewer system and on the further ground that these monies are not needed to provide security for outstanding or future indentures, contracts or agreements relating to revenue bonds issued to finance water and sewer, system improvements.

(d) Thus, the rate payers of the city and county have been paying water and sewer service charges considerably in excess of the rates and fees reasonably necessary for the maintenance, operation and improvement of the water and sewer system itself.

(e) As a consequence, maintaining current levels of fees and charges for a specified period of time will provide needed relief to the rate payers while, at the same time, ensuring that adequate and sufficient revenues produced by the water and sewer system as a whole will be available to fund all appropriate and related expenditures for its continued operation, maintenance and improvement.

Section 2. Regulation of Rates and Charges.

(a) Except as provided herein, from the effective date of this ordinance through and including July 1, 2006, no increase in the rates and charges assessed for the provision and consumption of water and for sewer service within the city and county shall be effective above or in excess of the rates and charges in effect as of January 1, 1998.

(b) With the concurrence of a majority of the Board of Supervisors, and the approval of the mayor, this section shall have no effect upon the rates and

charges for water, sewer service or water and sewer service set by contract, agreement or negotiation between the city and county and one or more consumers of such services, or where the rates and charges are otherwise set for such services when provided to consumers outside the city and county.

(c) The provisions of this section shall be subject to the emergency authority and procedures of the city and county as set forth in Charter Section 3.100 and related sections thereof.

(d) Rates and charges assessed for the provision and consumption of water within the city and county may be increased to provide for the payment and retirement of revenue bonds issued by the Public Utilities Commission as authorized by Propositions A and B, and each of them, as submitted to and approved by the voters at the municipal election of November 4, 1997.

The amount of any such increase shall be limited to that amount certified to the Board of Supervisors by the Controller as necessary to provide for said payments but in no event shall this provision authorize an increase of the rates and charges in effect as of January 1, 1998 in excess of a cumulative 18% calculated over the life of the revenue bonds.

(e) If, after the effective date of this ordinance, the voters of the city and county approve the issuance of new revenue bonds to finance water and sewer system improvements, this section shall not prohibit increases in the rates and charges for water, sewer service or water and sewer service which are necessary to provide security for the indentures, contracts or agreements relating to said future revenue bonds.

Section 3. Severability.

If any limitation or regulation provided in this ordinance is for any reason held unconstitutional, invalid or ineffective, in whole or in part, by a court of competent jurisdiction, such decision shall not affect the validity and effectiveness of the remaining portions of the ordinance. It is hereby declared that the limitations or regulations provided in this ordinance should be implemented to the maximum degree possible, notwithstanding the fact that one or more provisions are or have been declared unconstitutional, invalid or ineffective, in whole or in part.

Section 4. Effective Date.

This ordinance shall take effect ten days after the declaration of the official count of the votes cast therefor.

APPENDIX 40: CITIZENS' RIGHT-TO-KNOW ACT OF 1998

Proposition I, Adopted June 2, 1998

Be it Ordained by the People of the City and County of San Francisco:

CITIZENS' RIGHT-TO-KNOW ACT OF 1998

SECTION 1. Title

This Ordinance shall be known and may be cited as the "Citizens' Right-to-Know Act of 1998."

SECTION 2. Findings and Declarations

The people of the City and County of San Francisco hereby find and declare all of the following:

(a) The citizens' right to know about proposed city government projects paid for with taxpayers' dollars is an important democratic right.

(b) City government projects are often implemented with little or no notice to the public prior to project approval.

(c) As a result, interested neighbors, property owners, tenants and the public at large have been denied the right to have a meaningful voice in the approval process.

(d) Formal notice requirements will allow interested citizens the right to bring their concerns to the attention of the City departments and agencies involved in the project before final funding and project approval is granted.

(e) Pre-approval notice for certain City projects will allow neighborhoods and project sponsors the opportunity to make sure City projects meet the needs of the neighborhoods in which the projects are to be located.

SECTION 3. Purpose and Intent

The people of the City and County of San Francisco hereby find and declare that the purpose of the ordinance shall be all of the following:

(a) To allow citizens the right to know about proposed city government projects that are paid for with taxpayers' dollars.

(b) To require that city projects subject to this Act not be implemented until adequate notice has been provided to the public prior to project approval.

(c) To allow interested neighbors, property owners, tenants and the public at large the opportunity to have a meaningful voice prior to the project approval.

(d) To require formal notice requirements to enable interested citizens to bring their concerns to the attention of City departments and agencies involved in the project before final funding and project approval is granted.

(e) To allow neighborhoods and project sponsors the opportunity to make sure City projects meet the needs of the neighborhoods in which the projects are to be located.

SECTION 4.

The San Francisco Municipal Code, Part I (Administrative Code) is hereby amended by adding Chapter 79 to read as follows:

CHAPTER 79
PRE-APPROVAL NOTICE
FOR CERTAIN CITY PROJECTS

SEC. 79.1. Scope.

No city officer, department, board or commission shall Approve a City Project unless a sign has been posted on the property on which the City Project will be located at least fifteen (15) days prior to such Approval. The City officer, department, board or commission responsible for Approving a City Project shall post the sign required by this Chapter. The notice required by this Chapter shall be in addition to the notice requirements provided elsewhere in the San Francisco Municipal Code.

SEC. 79.2. Definitions.

For purposes of the Chapter, the following definitions shall apply:

(a) "Approve" or "Approval" shall mean an action by a City officer, department, board or commission sponsoring a City Project in which a final commitment is made by such sponsoring officer, department, board or commission to fund or undertake a City Project. Such Approval may include, but is not limited to, a decision to award a grant for a City Project at a specific site, or to purchase or acquire an interest in particular real estate to locate a City Project. Approval shall not include a decision to undertake a preliminary study of one or more potential sites for a City Project. Approval shall refer only to the actions of the sponsoring officer, department, board or commission.

(b) "City Project" shall mean the following:

(i) A project that:

(A) Involves new construction, a change in use, or a significant expansion of an existing use at a specific location, and

(B) Houses City operations at, or provides services or assistance from, such specified location; and

(C) Is undertaken directly by the City or any of its officers, departments, boards or commissions; or by an agent, contractor, service provider, or other person that receives $50,000 or more in City Funding for the construction and related work associated with the project and/or operating expenses for the project at such fixed location.

(ii) "City Project" shall include, but is not limited to, administrative offices, housing and other residential projects, and programs that provide services or assistance for the benefit of all or some members of the public from a fixed location.

(c) "City Funding" shall mean funding provided directly by the City or administered by the City through the use of federal, state or other funding sources.

(d) "Significant Expansion of Existing Use" shall mean the lesser of an addition amounting to 50% of gross floor area, or 1500 square feet or more of gross floor area, as determined by the Zoning Administrator in accordance with Section 102.9 of the San Francisco Planning Code.

SEC. 79.3. Exemptions.

The following City Projects shall be exempt from this section:

(a) A shelter for battered persons;

(b) A State-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise disabled persons or dependent and neglected children, in accordance with California Welfare and Institutions Code Section 5116 or as set forth in Section 209.3 (b) of the Planning Code;

(c) A City Project undertaken solely to achieve compliance with the disabled access requirements of the Americans With Disabilities Act or the California Building Code;

(d) Projects in the public right-of-way;

(e) A Project at a fixed location that is outside of the City limits of the City and County of San Francisco.

SEC 79.4. Change in City Project.

In the event that a City Project is Approved pursuant to the provisions of this Act, that Approval shall be limited to the specific site and the specific use granted in the Approval. Any changes to the City-Project which involve a different site, or a different use, or a redirection of the funding for the project in any way, shall be subject to the provisions of this Act and shall require a new pre-Approval notice procedure.

SEC. 79.5. Signposting Requirements.

Those City Projects subject to this Chapter shall comply with the following signposting requirements:

(a) Posting. At least fifteen (15) days prior to consideration of Approval of a City Project, the City officer, department, board or commission considering such Approval shall post a sign on the property on which the City Project is proposed. Such a sign shall be posted through the date of Approval or disapproval of the City Project by the sponsoring City entity.

(b) Location of Sign. The sign shall meet the following requirements:

(1) The sign shall be posted inside of windows that are no more than six feet (6′) back from the property line, where the windows are of sufficient size to accommodate the sign. The bottom of the sign shall be no lower than four feet (4′) above grade and the top of the sign shall be no higher than eight feet six inches (8′6″) above grade. The sign shall not be obstructed by awnings, landscaping, or other

impediment and shall be clearly visible from a public street, alley, or sidewalk.

(2) In the absence of windows meeting the above criteria where the building facade is no more than nine feet (9′) back from the property line, the sign shall be affixed to the building, with the bottom of the sign being at least five feet (5′) above-grade and the top of the sign being no more than seven feet six inches (7′6″) above grade. The sign shall be protected from the weather as necessary. The sign shall not be obstructed by awnings, landscaping, or other impediment, and shall be clearly visible from a public street, alley, or sidewalk.

(3) Where the structure is more than nine feet (9′) from the property line the sign shall be posted at the property line with the top of the sign no more than six feet (6′) and no less than five feet (5′) above grade. Such signs shall be attached to standards and shall be protected from the weather as necessary.

(4) If no structures occupy the property, signs shall be posted sufficient to provide adequate notice to the public. The Director of Administrative Services shall be responsible for determining the number of signs to be posted on such property.

(c) Contents and Size of Signs. The sign shall be at least thirty inches (30″) by thirty inches (30″). The sign shall be entitled NOTICE OF INTENT TO APPROVE A CITY PROJECT AT THIS LOCATION. The lettering of the title shall be at least 1-¼-inch capital letters. All other letters shall be at least ¾-inch uppercase and ½-inch lowercase. The sign shall provide an identification of the officer, department, board or commission that will determine whether to Approve the City Project; the date upon which Approval will be considered; and the procedure for obtaining additional information or submitting comments, which shall include, but not be limited to, a local contact person and telephone number where that person may be reached.

(d) Production of Signs. The Director of Administrative Services shall develop a standardized sign that may be used to satisfy this Section. The Director of Administrative Services may charge a fee sufficient to cover the costs of producing such signs.

SEC. 79.6. Alternative Notice Provisions.

In lieu of the signposting requirements in Section 79.5, a City officer, department, board or commission shall send mailed notice to the owner of each property within 300 feet of the lot line of the property on which the City Project is proposed. Notice shall be sent to the property owners reflected on the latest Citywide Assessor roll and neighborhood associations and organizations listed with the Planning Department where the site would be located within the indicated geographic area of interest of said association or organization. In addition, to the extent practicable, mailed notice shall be sent to the occupants of each property within 300 feet of the lot line of the property on which the City Project is proposed. The mailed notice shall include, at a minimum, all of the information required in Section 79.5(c). Mailed notice shall be sent at least 20 days prior to consideration of Approval of a City Project.

SEC. 79.7. Permission to Enter Property.

Every person who has possession of property that is the subject of the pre-Approval signposting process required by this Chapter shall permit entry at a reasonable time to allow the posting of the sign required herein. No person shall remove or cause the removal of such sign during the period of time that posting is required herein without reasonable cause to believe that such removal is necessary to protect persons or property from injury.

SEC. 79.8. Rights Affected.

The requirements of this chapter are not intended to give any right to any person to challenge in any administrative or judicial proceeding any action if such person would not otherwise have the legal right to do so. A party aggrieved by a decision to Approve or disapprove a City Project may utilize any existing avenue(s) of appeal.

SECTION 5. Severability

If any provision of this Act or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this initiative which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this initiative are severable.

APPENDIX 41: GOLDEN GATE PARK REVITALIZATION ACT OF 1998

Proposition J, Adopted June 2, 1998

Be it ordained by the People of the City and County of San Francisco:

Section 1. [Short Title, Policies, Purposes]

This ordinance shall be known, and may be cited, as the "Golden Gate Park Revitalization Act of 1998."

Golden Gate Park is the cultural, recreational and environmental heart of San Francisco. It is a world-renowned resource for the City and County's residents and visitors to the Park. Over the years, neglect, age, natural disasters and overuse have taken their toll on the Park.

It is the policy of the People of the City and County of San Francisco to revitalize this irreplaceable resource and ensure the fixture of Golden Gate Park as a public treasure, consistent with the following principles:

The future of Golden Gate Park centers around a public park that is scenically beautiful, environmentally sensitive and culturally diverse. It includes healthy and thriving institutions that have long been an integral part of the Park, particularly the M.H. de Young Memorial Museum (the "de Young Museum") and the California Academy of Sciences. It includes restoring the natural, scenic and recreational values that have made Golden Gate Park a green jewel of the City. It also includes making the Park accessible to all San Franciscans from all neighborhoods and by all forms of transportation, including, by way of example only, the Municipal Railway, bicycles and automobiles, subject to the provisions set forth in this ordinance, so that residents and visitors alike are able to use and enjoy the institutions and natural settings of the Park. Creating a sustainable Park is the goal of this ordinance, the Golden Gate Park Master Plan and the people of San Francisco.

The principal purposes of this ordinance are to (1) create a pedestrian oasis in the Music Concourse area of Golden Gate Park, situated between the de Young Museum and the Academy of Sciences (the "Concourse") and (2) take steps to reduce the impact of automobiles in the Park while still providing long-term assurance of safe, reliable and convenient access for visitors to the Park, including its cultural institutions.

An underground public parking facility within or near the Concourse with a dedicated entrance and exit (or entrances and exits) outside of the Park will enhance such public access. It will also minimize the potential conflict between recreational enthusiasts and automobile traffic, within the Park, including John F. Kennedy Drive and abutting roads. The construction of such an underground parking facility will allow surface parking spaces now located in and about the Concourse to be permanently eliminated, thereby improving recreational uses and scenic values of such portions of the Park.

This ordinance authorizes and directs the creation of a non-profit public benefit corporation named the "Golden Gate Park Concourse Authority," which will have the objective, under the auspices of the Recreation and Park Commission, to beautify and enhance the natural and scenic landscape of the Concourse area of Golden Gate Park and to assure access by the public to the Park. To this end, the corporation shall be granted specific duties and powers, including the duties to construct and operate an underground parking facility in or about the Concourse area, to improve and landscape the surface area of the Concourse, to determine a dedicated access route (or routes) to and from the underground parking facility beginning at a location or locations outside of the Park, as further provided in this ordinance.

The underground parking facility shall be constructed entirely with funds received through one or more philanthropic donations. In addition, improvements to the surface area of the Concourse required by the construction of the parking facility shall also be constructed with funds received through

philanthropic donations, provided that public funds may be used, together with such donations, for any such Concourse improvements that enhance the natural, scenic or recreational values of the Park related to the de Young Museum and the Academy of Sciences, as further provided in this ordinance.

Transit is as important to the future of the Park as parking is to assure access to the Park for all San Franciscans. This ordinance authorizes the Concourse Authority to take actions necessary to reduce the impact of automobiles that detract from the natural, scenic and environmental attributes of the Park. It is recognized the garages can create more traffic congestion in the Park and surrounding areas. It is also recognized that the development and support of necessary and appropriate transit, traffic and infrastructure improvements can successfully address these critical concerns to benefit Park users, neighbors and the overall Park experience. To these ends, the Golden Gate Park Concourse Authority shall be specifically charged with developing and completing a feasibility and implementation and "transit first" plan within one year after its formation, in conjunction with other appropriate City departments and commissions, as further provided in this ordinance.

The Concourse Authority, moreover, will be mandated to work with appropriate City departments and commissions to implement improvements, such as intra-park shuttles, "traffic-calming" strategies and neighborhood sensitive policies, through funds dedicated to these improvements, in accordance with the provisions of this ordinance.

Section 2. [Establishment of the Authority, Duties and, Powers of the Authority]

With the approval, by resolution, of the Board of Supervisors, the Mayor shall take any and all actions necessary to establish a nonprofit public benefit corporation to be named, the "Golden Gate Park Concourse Authority" (the "Authority"). The objective, purpose and scope of jurisdiction of the Authority shall be to beautify and enhance the natural and scenic landscape of the Concourse area of Golden Gate Park. Its primary mission is to assure access by all San Franciscans to the Park and to provide environmental and transit improvements to enhance the experience of visitors to the Park, in accordance with the Golden Gate Park Master Plan (subject to the provisions of Section 10 of this ordinance) and for the public interest, convenience, welfare and common benefit of the residents of the City and County of San Francisco.

In furtherance of the general purpose and objective described above, the Authority shall have all of the rights, powers, privileges, immunities, authorities and duties necessary or appropriate to:

(a) locate, acquire, design, construct, reconstruct, operate, use, lease, maintain and repair an underground public parking facility of not less than eight hundred (800) spaces nor more than one thousand (1,000) spaces, located within or near the Concourse of the Park with an entrance and exit (or entrances and exits) situated outside of the Park and dedicated exclusively for the underground parking facility, together with any and all physical improvements related to such underground parking facility and dedicated access routes (collectively, the "Underground Parking Facility"), which shall serve the recreational uses and institutions in the Park, including, but not limited to, the de Young Museum, the California Academy of Sciences, the Conservatory of Flowers, the Strybing Arboretum and Botanical Garden and the Japanese Tea Garden, and which shall comply with the construction and operation requirements contained in Section 7 of this ordinance;

(b) design, construct, reconstruct, landscape, improve, enhance, maintain and repair surface improvements to the Concourse area of Golden Gate Park to enhance its natural and scenic landscape, including, but not limited to, landscaping, and furniture, fixtures, equipment and structures suitable for a park setting, subject to the requirements of Section 7 of this ordinance; and

(c) study, recommend and, working with appropriate City departments and commissions, implement traffic, transit and infrastructure plans, programs, policies, goals and improvements relating to the Concourse area and the remainder of the Park as necessary or appropriate to facilitate a park that is accessible to all of the public including, without limitation, families, children and young people, seniors, and persons with disabilities, and is safe for all recreational users, including, but not limited to, preparation of a feasibility and implementation plan as provided in Section 8 of this ordinance.

The power of the Authority to enact transit and environmental improvements shall be guided by the following principles: (1) priority shall be given to

increasing transit options within the Park that are "clean," including, without limitation, shuttle, bicycle and other like forms of transportation; and (2) equal priority shall also be given to measures that address and alleviate traffic congestion within the Park and neighborhoods bordering the Park.

The bylaws, rules and regulations by which the Authority conducts its business and exercises its duties and powers shall be subject to the approval of the Board of Supervisors, by resolution. The Board of Supervisors may, by resolution, authorize the Authority to enter into agency agreements with governmental agencies, including, without limitation, any department, commission or agency of the City and County, and contract with such governmental agencies for the performance of services in furtherance of and related to the purposes of the Authority, including, without limitation, the performance of the duties, rights and responsibilities designated in this ordinance. However, staff of the Recreation. and Park Department shall not perform staff functions for the Authority if the performance of such functions, in lieu of functions for the Department, would materially adversely impact programs or services provided by the Department to the public.

Notwithstanding anything to the contrary contained in this ordinance regarding the duties and powers of the Authority, the Authority shall be subject to the contract authority limitations set forth in Section 9.118 of the Charter. Charter Section 9.118 provides for approval by the Board of Supervisors, by resolution, of certain contracts and leases.

Section 3. [Administrative Jurisdiction Over the Underground Parking, Facility and Concourse Area]

Pursuant to the authority specifically vested in the voters by Charter Section 4.113(2), the voters hereby authorize the Board of Supervisors, by resolution, to set aside the land in or near the area of the Music Concourse for the purpose and to the extent necessary, for the design, construction, operation, maintenance, reconstruction and repair of the Underground Parking Facility by or on behalf of the Authority under the terms of this ordinance (including, without limitation, surface vents and other appurtenant features of the Underground Parking Facility located on the surface of such land that do not materially interfere with use and enjoyment of the park attributes of such land). The Authority shall have administrative jurisdiction over the Underground Parking Facility, subject to the provisions of Section 6 of this ordinance. The Authority shall acquire jurisdiction over such real property without the payment of consideration for such property. If the Authority is dissolved or the use of all or any portion of the property set aside for the purposes designated in this Section is abandoned, administrative jurisdiction over such property shall automatically revert to the Recreation and Park Commission.

Section 4. [Board of Directors, Conflict of Interest Rules]

The Authority's affairs shall be managed by, and all of its corporate powers shall be exercised by or under, a board of directors. The directors shall be appointed by the Mayor. Such appointment(s) shall be effective immediately and remain so unless rejected by a two-thirds vote of the Board of Supervisors within thirty (30) days following transmittal of written notice to the Board of Supervisors of such appointments, as if the directors were City Commissioners subject to the appointment procedures set forth in Section 3.100(17) of the Charter.

The number of members of the board of directors of the Authority, their term of service and the qualifications of directors, shall be set forth in the Authority's bylaws, which are subject to approval of the Board of Supervisors as provided in Section 2 of this ordinance. A director may be removed by the Mayor before the expiration of his or her term solely for cause in accordance with the provisions of Section 15.105 of the Charter.

The composition of the Authority's directors will reflect the diversity of San Francisco as well as the cultural institutions within Golden Gate Park. All directors shall be residents of the City and County. Directors shall be selected according to criteria that include (a) demonstrated interest and knowledge of matters within the jurisdiction of the Authority, (b) experience and knowledge in one or more of the following areas: (i) parks and recreation, (ii) environment and conservation, (iii) transportation, (iv) museums, (v) the neighborhoods bordering Golden Gate Park and (vi) structural engineering, architecture or landscape design. No single interest shall be represented by a majority of the members appointed.

The directors shall be considered City officers within the meaning of Section 1.50 of Part I of the San

Francisco Municipal Code (the "San Francisco Administrative Code"). Accordingly, the Authority and its directors shall be subject to the conflict of interest rules that would be applicable to City officers, including, without limitation, those set forth in the Political Reform Act (California Government Code Sections 81700 et seq.) and Government Code Sections 1090 et seq., and Section C8.105 of the Charter, and the Authority shall adopt a conflict of interest code as required and as provided by the implementing regulations of the Political Reform Act and Chapter 58 of the San Francisco Administrative Code..

The board of the Authority shall meet in the same location that meetings of the Recreation and Park Commission are held.

Section 5. [Open Meetings, Public Information]

All meetings of the Authority's board shall be called, noticed, held and conducted subject to the provisions of the Ralph M. Brown Act (Chapter 9 of Part I of Division 2 of Title 5 of the California Government Code, Sections 54950 to 54962) and the San Francisco Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

All records of the Authority shall be deemed "public records" for purposes of the Public Records Act (California Government Code Section 6250 et seq.) and "public information" for purposes of the San Francisco Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code). The Authority shall be subject to the disclosure requirements and procedures mandated by the Public Records Act and Sunshine Ordinance.

Section 6. [Recreation and Park Commission Power to Reject Resolutions by the Authority]

Resolutions of the Authority shall be effective immediately upon passage and remain so unless, subject to the exceptions set forth below, the Recreation and Park Commission acts by a vote of two-thirds of the members of the Commission, to reject such resolution no later than ninety (90) days after submission of notice of such resolution by the Authority. In the event the Recreation and Park Commission acts to reject a resolution of the Authority as provided in this Section, such resolution of the Authority shall be of no further force or effect on and after the date of the Commission's action. However, within sixty (60) days after the Commission's action rejecting a resolution of the Authority, either the Authority or the Recreation and Park Commission may submit such resolution to the Board of Supervisors for its review. The Board may approve or disapprove of the Authority resolution by a majority vote of the Board. If the Board approves the Authority resolution, the resolution of the Authority shall be deemed effective as of the date of Board approval.

The Recreation and Park Commission's power to reject resolutions of the Authority shall be subject to the following exceptions:

(a) Resolutions of the Authority awarding a contract (or contracts) for construction of the Underground Parking Facility (after design of the Underground Parking Facility has been approved), or modifying, amending or terminating any such contract, shall not be subject to the Recreation and Park Commission's power to reject resolutions of the Authority.

(b) In instances where the Authority determines in its good faith judgment that the public interest would be seriously harmed by potential delay in review by the Recreation and Park Commission of any resolution of the Authority which is subject to such review power and such determination is substantiated by written findings in the relevant Authority resolution, the Recreation and Park Commission must act, if at all, by a two-thirds vote as provided above, no later than thirty (30) days after submission of notice of such resolution by the Authority. However, such exception may only be taken with respect to management agreements or other contracts to which the Authority is a party.

Section 7. [Construction and Operation of the Underground Parking Facility; Concourse Surface Improvements]

The Authority shall construct or cause the Underground Parking Facility to be constructed with private funds. It is intended that such funds be received by the Authority, on behalf of the City, as one or more philanthropic gifts. No public funds shall be used in the construction of the Underground Parking Facility, except as follows. The Authority may enter into agreements with the de Young Museum, Academy of Sciences, and/or the City and County, to coordinate the construction of the Underground Parking Facility with the construction

projects relating to the facilities for those cultural institutions that may involve City funds, on such terms and conditions as the Authority and such affected parties may agree, if such coordination would result in cost savings to the City and County associated with such other projects.

In the design and construction of the Underground Parking Facility and surface restoration, the Concourse Authority shall abide by the following principles: (1) the visual character of the Concourse surface, particularly the areas upon which surface parking is eliminated, shall be enhanced and improved to increase the natural, scenic and landscape values of the Park; (2) above grade physical improvements required for the Underground Parking Facility, such as air vents, shall be concealed and blended in with the natural landscape to the maximum extent possible; and (3) unless otherwise specified in the Golden Gate Park Master Plan, the revitalized Concourse shall conform in shape and elevation to its present configuration, and, specifically, the construction of the Underground Parking Facility shall not result in any material rise in the grade of the Concourse to the extent it is reasonably feasible to maintain the existing grade; and (4) the surface of the Concourse shall also be improved for pedestrian, disabled and transit access.

Acting under Section 4.113(l) of the Charter, the voters approve the construction of the Underground Parking Facility as contemplated by this ordinance.

Upon completion of construction of the Underground Parking Facility, the Authority shall cause one surface parking space within the Park to be permanently eliminated for each space within the Underground Parking Facility. As part of this process, all of the surface spaces in the Concourse, consisting of approximately 200 spaces, shall be eliminated. Priority for elimination of the remaining spaces shall be given to areas of heavy traffic congestion and environmental sensitivity. However, the Authority shall weigh in its decision to eliminate surface spaces the extent to which removal of such remaining spaces could adversely impact, by increasing traffic congestion, neighborhood and neighborhood commercial districts and attempt to avoid such impacts. Surface spaces that are unused because of present or future permanent road closures shall not be counted as spaces that have been permanently eliminated under this paragraph. No net gain in parking spaces existing as of the effective date of this ordinance, other than those provided for in the Golden Gate Park Master Plan, shall be permitted.

The Underground Parking Facility shall include bicycle parking facilities meeting the applicable requirements set forth in Section 155 et seq. of Part II, Chapter II of the San Francisco Municipal Code (the Planning Code).

The Authority shall alleviate the effects of automobile traffic to and from the Underground Parking Facility on the surrounding neighborhoods by appropriately addressing such improvement measures in its plans for design and location of the Underground Parking Facility, including access routes.

The Authority shall not grant any free parking, discounts or other preference for parking in the Underground Parking Facility to any officials, commissioners, directors, or employees of the City or any of the institutions located in the Park unless such preference is made available on the same terms to members of the public.

The Authority may, by resolution, recommend charging a fee, if any, for parking within the Underground Parking Facility subject to the right of the Recreation and Park Commission to review such fee as provided in Section 6 of this ordinance and further subject to the provisions of Section 2.109 of the Charter requiring that the Board of Supervisors approve such fee by ordinance.

Biannually after the Underground Parking Facility opens to the public, the Authority shall conduct a review of transit improvements and operations in Golden Gate Park and shall survey and make written recommendations to the Recreation and Park Commission and the Board of Supervisors about the need for any additional improvements or services, including, without limitation, transit enhancements and further removal of surface parking spaces.

Section 8. [Preparation of Feasibility and Implementation Plan, Periodic Reports to the Recreation and Park Commission and Board of Supervisors; Minimum Spending Levels]

Within one year after the Authority is established and its initial board of directors is appointed by the Mayor, the Authority shall develop and complete a feasibility study and implementation plan consistent with the Authority's designated objective and purpose. Such plan must encompass, but not be limited to, the

following: an intra-Park shuttle system for all attractions within Golden Gate Park; access to the Park road system from the northern side of the Park; traffic "calming" measures to mitigate "highway"-type traffic patterns, including, without limitation, consideration of cul-de-sacs and other roadway improvements; time-limited parking throughout the Park on weekdays to discourage non-Park commuter use; a "cultural shuttle" carrying visitors from major downtown and transit locations to and from the Park, bicycle and skating lanes and paths within the Park; road closures within the Park in accordance with the Golden Gate Park Master Plan (adopted pursuant to Section 10 of this ordinance and subject to Section 11 of this ordinance); expanded use of the nearby hospital garages via shuttle for overflow use; Municipal Railway service improvements; and traffic, roadway, landscaping, and other infrastructure improvements to facilitate transition to a Golden Gate Park where the automobile is increasingly less visible.

The Authority shall consult with the City's Department of the Environment, the Planning Department, the Recreation and Park Department, the Parking and Traffic Department, the Municipal Railway, and any and all other City departments, as appropriate, in connection with the preparation of the implementation plan.

The implementation plan shall consider which improvements, particularly transit enhancements, can be put into place before the Underground Parking Facility opens to the public and which improvements can be implemented after the Underground Parking Facility opens.

After preparation of the implementation plan, the Authority shall approve, by resolution, recommendations set forth in the Plan that the Authority finds feasible and that can be implemented with funds that are then available for such Purposes. The Authority shall continue to periodically review, revise or alter recommendations in the implementation plan in light of improvements in the feasibility of such recommendations and increases in availability of funds.

To ensure that the transit and environmental improvements deemed feasible for implementation are enacted, the Authority shall set aside and cause to be expended from philanthropic funds that it receives the following amounts in the following years: (1) in the first year that philanthropic funds are received, not less than $150,000; (2) in the second year such funds are received, not less than $200,000; (3) in the third year such funds are received, not less than $300,000; (4) in the fourth year such funds are received, not less than $400,000; and (5) in the fifth year such funds are received, not less than $500,000. Notwithstanding the foregoing, such minimum spending levels shall apply only if and to the extent philanthropic funds are received in a given year. For purposes of this paragraph, any philanthropic funds that are not spent in the year received shall not count against the minimum spending levels for the following year (or years).

Within thirty (30) days after the end of each calendar quarter, the Authority shall submit a written report to the Recreation and Park Commission, with a copy to the Clerk of the Board of Supervisors, summarizing its operations for such quarter and its long-term improvement plans, including capital improvement projects.

Section 9. [Budgetary and Fiscal Provisions, Acceptance of Donations]

The Authority shall be subject to all of the budgetary and fiscal provisions of the City's Charter. Without limiting the foregoing, the Authority shall submit to the Mayor and the Board of Supervisors a proposed annual budget for their consideration and approval, as well as any proposed subsequent amendments to the budget that require the approval of the Mayor and the Board of Supervisors.

It shall be the policy of the People of the City and County that, to the fullest extent allowed by the budgetary and fiscal provisions of the Charter and applicable law, any net revenues of the Authority shall be used for operation, maintenance, improvement or enhancement of Golden Gate Park as further provided in subsection (c) of this paragraph. All revenues of the Authority, including interest earnings on such funds, shall be appropriated by the Board of Supervisors and used solely for the following purposes: (a) first, for the payment of expenses, in such amounts and order of priority as the Authority may determine, subject to the minimum spending levels set forth in Section 8 of this ordinance, that are related to (i) the operation, maintenance, or repair of the Underground Parking Facility, (ii) the operation, maintenance, repair or improvement of the surface area of the Concourse, (iii) the operation, maintenance

or construction of transit, shuttle and roadway improvements described in the feasibility and implementation plan referred to in Section 6 of this ordinance, (iv) the reconstruction and replacement of the Underground Parking Facility, or (v) any other expenditure in furtherance of the purposes of the Authority designated in Section 2 of this ordinance; (b) second, any remaining revenues that are in excess of the expenses described in item (a) above shall be used for a reserve for capital improvements related to the purposes of the Authority; and (c) third, any remaining net revenues that are in excess of the amounts in items (a) and (b) above shall be used by the City and County for the operation, maintenance, improvement or enhancement of Golden Gate Park. The balance of any such revenues, including interest earnings, that are unappropriated, unencumbered or unexpended at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Charter Section 9.113 and shall be carried forward and accumulated for the purposes designated in this Section.

The Authority may accept and agree to the term and conditions of loans, gifts, devises, bequests or agreements donating funds, properties, supplies, or services (collectively, "donations") from individuals, foundations, corporations, and other private or public entities, to the City and County, for the purpose of carrying out the duties of the Authority, including, but not limited to, the construction of the Underground Parking Facility and surface improvements to the Concourse area. The Authority may accept and agree to such donations, without action by the Board of Supervisors, as long as acceptance of the donations entails no expense for the City and County beyond ordinary care and maintenance. Specifically, no Board of Supervisors action shall be required for the acceptance by the Authority of donations to construct the Underground Parking Facility.

All funds of the Authority shall be used for the purposes designated in Section 2, and no part of the net earnings or assets of the Authority shall inure to the benefit of the directors, trustees, officers or any private person and shall inure to the sole benefit of the City and County.

Section 10. [Golden Gate Master Plan, Land Use]

The Recreation and Park Commission shall proceed expeditiously with the adoption of a Golden Gate Park Master Plan. The actions of the Authority in respect of the surface of the Concourse area, the implementation of the feasibility plan and the performance of its other functions shall be consistent with the goals and objectives of the Golden Gate Park Master Plan. The Authority shall have the power to .recommend to the Recreation and Park Commission changes to the Golden Gate Park Master Plan, as necessary or appropriate in furtherance of the Authority's duties and powers designated under this ordinance. Notwithstanding the foregoing and without limiting Section 15 below, it shall be the policy of the People of the City and County that promptly following the effective date of this ordinance, the Recreation and Park Commission and the Board of Supervisors shall proceed to amend or adopt appropriate land use regulations, including, without limitation, the Golden Gate Park Master Plan, in a manner consistent with construction of the Underground Parking Facility as contemplated by this ordinance and consistent with Section 11 of this ordinance.

Section 11. [Reaffirmation of Sunday Closure of JFK Drive]

It is recognized that the John F. Kennedy Drive has been closed on Sundays and on certain holidays during the year to automobile traffic. It shall be the policy of the People of the City and County that John F. Kennedy Drive continue to be closed on Sundays and such holidays and that the Recreation and Park Commission consider closing such road to automobiles on additional days.

Section 12. [MUNI Feasibility Study]

The San Francisco Municipal Railway shall prepare and submit to the Authority and the Recreation and Park Department a feasibility study evaluating the possible extension of MUNI light rail service to the Concourse. The Municipal Railway shall consult with the Authority and the Recreation and Park Department in the course of preparing such study.

Section 13. [Public Contracting Provision]

Notwithstanding any provision of the San Francisco Municipal Code to the contrary, the Underground Parking Facility shall not be deemed a "public work or improvement" as that term or any similar term is used in any provision of the Municipal Code or any other ordinance or regulation of the City

and County of San Francisco, for the purposes set forth in this Section. The person or entities constructing the Underground Parking Facility, including related improvements, including the Authority and the City and County of San Francisco, shall not be required to comply with any bidding or advertising requirements, or otherwise engage in any particular practice with respect to the selection of contractors or subcontractors in the award of contracts or subcontracts for the design, construction, purchase of materials, management or operation of any portion of the Underground Parking Facility, except as the Board of Supervisors may specifically require by resolution; provided, however, the design and construction of the Underground Parking Facility shall be subject to the applicable provisions of Chapters 12B, 12C and 12D of the San Francisco Administrative Code, unless the Board of Supervisors provides otherwise by ordinance, and prevailing wages shall be paid for construction and operation of the Underground Puking Facility. It is the intent of the People of the City and County of San Francisco in adopting this ordinance that the Underground Parking Facility shall be designed and constructed in an expeditious manner, with private funds, and shall not be undertaken as if such design and construction were the design and construction of a conventional public work.

Section 14. [Interpretation of Ordinance]

This ordinance shall be liberally construed to fulfill its intent. The captions for sections of this ordinance are for convenience of reference only and shall not be deemed to limit the scope or intent of any provision of this ordinance.

Section 15. [Implementation]

Promptly following the effective date of this ordinance, the City and County of San Francisco, through the Mayor, Board of Supervisors, Recreation and Park Commission, Planning Commission, Public Transportation Commission, Parking and Traffic Commission, Department of Public Works, Building Inspection Commission, Public Utilities Commission and other appropriate officials, boards or commissions, shall proceed to take actions necessary to achieve the purposes of this ordinance. The Authority and such City officials, boards and commissions shall cooperate with one another and coordinate their activities in furtherance of the purposes of this ordinance.

Section 16. [Severability]

If any provision of this ordinance, or any application of any such provision to any person or circumstance, is held invalid, such invalidity shall not affect any provision or application of this ordinance that can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable.

Section 17. [Compliance with Laws, Including CEQA]

Except as otherwise provided in this ordinance, the construction of the Underground Parking Facility and other future actions contemplated by this ordinance shall be subject to all applicable federal, state and local laws, ordinances and regulations (as the same may be amended) including, but not limited to, the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

APPENDIX 42: THE CENTRAL FREEWAY REPLACEMENT PROJECT ACT OF 1998

Proposition E, Adopted November 3, 1998

Be it ordained by the People of the City and County of San Francisco:

THE CENTRAL FREEWAY REPLACEMENT PROJECT ACT OF 1998

SECTION 1. *Title*

This Ordinance shall be known and may be cited as the Central Freeway Replacement Project Act of 1998.

SECTION 2. *Summary of Effect*

The City and County of San Francisco has authorized the California Department of Transportation ("Caltrans") to retrofit and widen the existing lower deck of the Central Freeway to provide a four-lane single deck structure from Mission Street to Oak and Fell Streets. This Ordinance will withdraw 'that authorization and provide Caltrans with approval by the City and County of San Francisco to replace the Central Freeway with an elevated freeway along the current route from Mission Street to Market Street, which will continue as a street-level, high traffic volume boulevard on Octavia Street and the adjacent freeway right-of-way for the four blocks from Market Street to Fell Street. This project alternative will allow traffic to disperse north and west more quickly and efficiently, thereby addressing traffic congestion problems not addressed in the currently-approved project alternative.

SECTION 3. *Findings and Declarations*

The people of the City and County of San Francisco hereby find and declare all of the following:

(a) Since the closure of the Central Freeway in 1989 as a result of the Loma Prieta Earthquake, there has been a dramatic negative effect on San Francisco neighborhood residents and businesses due to traffic disruptions.

(b) The closure of the Central Freeway has caused the South of Market and Civic Center neighborhoods to suffer from excess traffic congestion and pollution.

(c) Many businesses have suffered as a result of the traffic congestion, lack of clear and convenient access, and loss of on-street parking resulting from the closure of the Central Freeway and changes to the function and volumes of traffic in the vicinity of the Central Freeway.

(d) California state law provides that Caltrans may proceed with the repair or replacement of the Central Freeway once an alternative is approved by the City and County of San Francisco.

(e) The project adopted in this Ordinance is significantly less expensive, will require a shorter construction period to complete, and is more seismically and structurally sound than the project adopted in the Central Freeway Replacement Project Act of 1997 (Proposition H in 1997).

(f) It is vital to the welfare of all of the people of the City and County of San Francisco that the repair or replacement of the Central Freeway shall result in a project that does not result in significant negative impacts as may be evaluated and certified under an environmental review or environmental assessment.

(g) The replacement or repair of the Central Freeway must be done in a timely manner, with the negative impacts of construction, costs and traffic disruption held to a minimum throughout the replacement or repair process.

(h) This Ordinance offers the best proposal for relieving the traffic and pollution problems caused by the closure of the Central Freeway, restoring the higher quality of life and environment enjoyed by San Francisco residents and businesses prior to the 1989

Loma Prieta Earthquake, and implementing a project alternative that most fairly and adequately addresses the concerns of construction delays, costs, seismic safety, and overall quality of the environment for all San Francisco residents and businesses.

(i) The project adopted in the Central Freeway Replacement Project Act of 1997 (Proposition H in 1997) fails to resolve surface street traffic congestion because it fails to provide access to the area north of Fell Street that was previously provided by the Franklin and Gough Street ramps, resulting in the extensive and permanent removal of desirable on-street parking, and unacceptable levels of surface street traffic congestion.

(j) The project adopted in this Ordinance is consistent with the Purpose and Intent declared in the Central Freeway Replacement Project Act of 1997 (the purpose and intent of which are restated in their entirety in this Ordinance at §4(a)—(e), below) while achieving the additional purpose and intent of the Central Freeway Replacement Project Act of 1998 (set forth in §4(f)—(k) below).

(k) The project adopted in this Ordinance is the unanimously preferred alternative of the Citizens' Advisory Task Force for the Central Freeway, an official group of approximately 30 individuals from all affected neighborhoods appointed by the Board of Supervisors to examine these issues through a three year public review process. The Citizens Advisory Task Force project alternative adopted by this Ordinance was endorsed by the Planning Commission and the San Francisco Board of Supervisors in 1995.

SECTION 4. *Purpose and Intent of the Central Freeway Replacement Project Act of 1998*

The people of the City and County of San Francisco hereby declare their purpose and intent in enacting the measure to be as follows:

(a) To reopen the Central Freeway to eliminate the traffic congestion and pollution caused by its closure.

(b) To allow San Francisco neighborhood residents the ability to enjoy the quality of life they experienced prior to the Loma Prieta Earthquake of 1989.

(c) To allow San Francisco businesses and merchants the opportunity to serve the public without disruption.

(d) To give direction to Caltrans as to the alternative that has been approved by the City and County of San Francisco so that Caltrans may proceed with the repair of the Central Freeway.

(e) To place into law an ordinance approving the most reasonable and practical alternative for the Central Freeway Project.

(f) To ensure mobility in all directions for persons using the Central Freeway, including access to the area north of Fell Street formerly provided by the Gough Street and Franklin Street ramps, by the efficient use of freeway rights-of-way and surface streets.

(g) To adopt a Central Freeway Replacement Project that will be significantly less expensive, and that will not adversely affect funding for other transportation projects of equal or greater importance to all San Francisco residents, visitors, and businesses.

(h) To adopt a project alternative that can be built more quickly with fewer disruptions, and that is more structurally and seismically sound than, the currently approved project alternative.

(i) To adopt a project alternative addressing potentially significant environmental impacts that could otherwise delay or postpone indefinitely the implementation of the Project.

(j) To adopt a project alternative accommodating the flow of traffic and providing a smooth transition from local streets to arterials, and from those arterials to the freeway.

(k) To adopt a project alternative offering the additional benefit of reclaiming a substantial amount of land located beneath the Central Freeway for more affordable housing and neighborhood-serving commercial uses that will in turn provide jobs and new tax revenue.

SECTION 5. *Repeal of The Central Freeway Replacement Project Act of 1997 and Board of Supervisors Resolution No. 1073-97; Reinstatement of Board of Supervisors Resolution No. 541-92*

(a) The Central Freeway Replacement Project Act of 1997, which was approved by the voters as Proposition H in November 1997, adopting a single deck retrofit and replacement of the Central Freeway from Mission Street to Fell Street is hereby repealed (a copy of the text of the Central Freeway Replacement Project Act of 1997 is attached hereto as Exhibit "A").

(b) Resolution No. 1073-97, approved by the Board of Supervisors on November 18, 1997 (approving Caltrans Alternative 1B for restoring the Central Freeway and urging Caltrans to proceed with construction) is hereby repealed (a copy of Resolution No. 1073-97 is attached hereto as Exhibit "B".

(c) Resolution No. 541-92, approved by the Board of Supervisors on July 6, 1992 (declaring it to be the policy of the City and County of San Francisco not to build any new above-ground ramps north of Fell Street to replace the demolished sections of the Central Freeway, requesting an expeditious resolution of funding for surface level transportation improvements, creating a task force to plan land use and transportation needs for the Hayes Valley and Western Addition Neighborhoods, requesting that Caltrans undertake a feasibility study to upgrade the South Van Ness interchange, and to consider the San Francisco Tomorrow Plan), which was repealed by The Central Freeway Replacement Project Act of 1997 (Proposition H in 1997), is hereby reinstated (a copy of Resolution No. 541.92 is attached hereto its Exhibit "C").

SECTION 6. ***The Central Freeway Replacement Project Act of 1998***

(a) The people of the City and County of San Francisco hereby approve the Central Freeway Replacement Project alternative as described in this section.

(b) The existing lower deck of the Central Freeway from Mission Street to Market Street shall be replaced with a new four lane (2-way), single-deck, elevated structure conforming to the most current seismic standards in effect; the existing lower deck of the Central Freeway from Market Street to its terminus at Fell Street shall be replaced by a street-level, high traffic volume boulevard on Octavia Street and the adjacent freeway right-of-way for the four blocks from Market Street to Fell Street. This project alternative will allow traffic to disperse north and west more quickly and efficiently, thereby addressing traffic congestion problems not addressed in the currently approved project alternative.

(c) The portion of the Central Freeway that will be rebuilt shall be fully within the existing public rights-of-way owned by Caltrans and as necessary the Department of Public Works of the City and County of San Francisco.

(d) The combined rights-of-way of Octavia Street and the Central Freeway between Market Street and the northern edge of Fell Street shall be designed as a surface boulevard with provisions to distribute traffic to and from Oak, Fell, Franklin and Gough Streets.

(e) The surface boulevard shall contain a central four-lane, two-way traffic segment, with no provision for on-street parking and with a landscaped median that is wide enough to accommodate left-turn pockets, and shall be flanked on each side by a landscaped median, a narrower residential street with on-street parking, and a landscaped sidewalk.

(f) The surface boulevard shall accommodate safe pedestrian crossings and signalized intersections synchronized to ensure safe and efficient traffic and transit flow.

(g) The remaining portions of the original Caltrans right-of-way not used by the boulevard, its medians, sidewalks and flanking streets shall be subject to a process in which publicly-owned land may be sold and/or converted to other land uses, public and private, with consideration given to the need for housing, particularly affordable housing, as stated in the Neighborhood Development Goals contained in the Hayes Valley Development Guidelines endorsed by the City Planning Commission in September, 1993.

(h) The replacement of the Central Freeway structure shall proceed as quickly as possible, shall be scheduled to minimize disruptions to the flow of traffic, and shall include temporary traffic lanes and surface street traffic mitigation measures to accommodate traffic flow in the safest and most direct manner using the available rights-of-ways wherever possible to assist in the dispersion to the City street grid system and decentralization of freeway traffic during the construction period.

SECTION 7. ***Severability***

If any provision of the Act or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of the initiative which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this initiative are severable.

May 13,1998

Exhibit A: The Central Freeway Replacement Project Act of 1997. See Section 5(a) of the initiative.

Be it Ordained by the People of the City and County of San Francisco:

CENTRAL FREEWAY REPLACEMENT PROJECT ACT OF 1997

SECTION 1. Title

This Ordinance shall be known and may be cited as the San Francisco Central Freeway Replacement Project Act of 1997.

SECTION 2. Findings and Declarations

The People of the City of the City and County of San Francisco hereby find and declare all of the following:

(a) Since the closure of the Central Freeway in 1989 as a result of the devastating Loma Prieta Earthquake, there has been a dramatic negative effect upon neighborhood residents and businesses in San Francisco.

(b) Closure of the Central Freeway has caused South of Market and Civic Center neighborhoods to choke in traffic and pollution created by alternative surface road routes.

(c) Many merchants and businesses have suffered a tremendous loss of business or had to close because of the shut down of the Central Freeway.

(d) California state law provides that the California Department of Transportation may proceed with the repair or replacement of the Central Freeway once an alternative is approved by the City and County of San Francisco.

(e) The Central Freeway Replacement Project alternative provided for by this Ordinance is the best way to relieve the traffic and pollution caused by the closure of the Central Freeway and to permit merchants and businesses in the City to serve the needs of the citizens of San Francisco.

(f) The Central Freeway Replacement Project alternative provided for by this Ordinance is the most reasonable and practical alternative for repairing the Central Freeway.

SECTION 3. Purpose and Intent

The people of the City and County of San Francisco hereby declare their purpose and intent in enacting the measure to be as follows:

(a) To reopen the Central Freeway to eliminate the traffic congestion and pollution caused by its closure.

(b) To allow neighborhood residents the ability to enjoy the qualify of life they experienced prior to the Loma Prieta. Earthquake of 1989.

(c) To allow businesses and merchants the opportunity to serve the public without disruption.

(d) To give direction to the California Department of Transportation as to the alternative that has been approved by the City and County of San Francisco so that the Department of Transportation may proceed with the repair of the Central Freeway.

(e) To place into law an ordinance which approves the most reasonable and practical alternative for the Central Freeway Replacement Project.

SECTION 4. Repeal of Resolution No. 541-92

Resolution No. 541-92, approved by the Board of Supervisors of the City and County of San Francisco, is hereby repealed.

SECTION 5. Central Freeway Replacement Project

(a) The people of the City and County of San Francisco hereby approve the Central Freeway Replacement Project alternative as described in this section.

(b) The existing lower deck of the Central Freeway shall be retrofitted and widened, providing a four lane single deck structure from Mission Street to Oak and Fell Streets.

(c) The portion of the Central Freeway structure from the intersection of Page and Octavia Streets to the Fell Street ramp shall be replaced rather than retrofitted. A new on-ramp from Oak Street to Market Street shall be built to replace the demolished Oak Street on-ramp.

(d) The City and County of San Francisco shall work together with the California Department of Transportation to develop a plan to resolve the lack of northern accessability to the Central Freeway that was previously provided by the Franklin/Gough Street ramps. The plan shall be completed by July, 1, 1998.

(e) The existing Central Freeway shall remain open and shall only be closed temporarily for the shortest duration possible for construction purposes only.

SECTION 6. Severability

If any provision of this Act or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this initiative which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this initiative are severable.

Exhibit B: San Francisco Board of Supervisors Resolution No. 1073-97. See Section 5(b) of the initiative.

[Central Freeway Approval]

APPROVING CALTRANS ALTERNATIVE 18 FOR RESTORING THE CENTRAL FREEWAY, AND URGING CALTRANS TO PROCEED WITH CONSTRUCTION.

WHEREAS, Section 401.1 of the California Streets and Highways Code (SB 181 - Kopp, 1990) provides that Caltrans may proceed with replacement of portions of the Central Freeway damaged by the Loma Prieta earthquake upon City and County of San Francisco approval of a restoration alternative; and

WHEREAS, On November 4,1997 the citizens of the City and County of San Francisco endorsed alternative 1B by passing Proposition H; and

WHEREAS, Alternative 1B was developed by Caltrans and restores the Central Freeway to its pre-Loma Prieta Earthquake functionality; and

WHEREAS, Alternative 1B creates a four-lane single-deck structure extending from Mission Street to Oak and Fell Streets and replaces the ramp at Oak Street; and

WHEREAS, The San Francisco Transportation Authority studied alternatives for replacing the Central Freeway and ranked Alternative 1B as most efficient in moving traffic, safest for pedestrians and bicyclists, and least intrusive to public transit of all the alternatives; now, therefore, be it

RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby endorses the will of the people of San Francisco, as expressed in Proposition H, approved by the voters on November 4, 1997, and approves Caltrans Alternative 1B for replacement of the Central Freeway; and, be it

FURTHER RESOLVED, That the Board of Supervisors hereby endorses, approves and includes in this Resolution the following language from Section 5 of Proposition H:

"(a) The [people] Board of Supervisors of the City and County of San Francisco hereby approves the Central Freeway Replacement Project alternative as described in [this section] Proposition H."

"(b) The existing lower deck of the Central Freeway shall be retrofitted and widened, providing a four lane single deck structure from Mission Street to Oak and Fell Streets."

"(c) The portion of the Central Freeway structure from the intersection of Page and Octavia Streets to the Fell Street ramp shall be replaced rather than retrofitted. A new on-ramp from Oak Street to Market Street shall be built to replace the demolished Oak Street on-ramp."

"(d) The City and County of San Francisco shall work together with the California Department of Transportation to develop a plan to resolve the lack of northern accessibility to the Central Freeway that was previously provided by the Franklin/Gough Street ramps. The plan shall be completed by July 1,1998."

"(e) The existing Central Freeway shall remain open and shall only be closed temporarily for the shortest duration possible for construction purposes only."

FURTHER RESOLVED, That Caltrans is requested to immediately develop an implementation plan including a schedule and list of critical steps for restoring the Central Freeway as designated in Alternative 1B.

Exhibit C: San Francisco Board of Supervisors Resolution No. 541-92. See Section 5(c) of the initiative.

(CENTRAL FREEWAY)-

DECLARING IT TO BE THE POLICY OF THE CITY AND COUNTY OF SAN FRANCISCO NOT TO BUILD ANY NEW ABOVEGROUND RAMPS TO REPLACE THE DEMOLISHED SECTIONS OF THE CENTRAL FREEWAY; REQUESTING AN EXPEDITIOUS RESOLUTION OF FUNDING FOR SURFACE-LEVEL TRANSPORTATION IMPROVEMENTS; CREATING A TASK FORCE TO PLAN LAND USE AND TRANSPORTATION NEEDS FOR THE HAYES VALLEY AND WESTERN ADDITION NEIGHBORHOODS; REQUESTING THE CALIFORNIA DEPARTMENT OF TRANSPORTATION TO UNDERTAKE A FEASIBILITY STUDY TO UPGRADE THE SOUTH VAN NESS INTERCHANGE, AND TO CONSIDER THE SAN FRANCISCO TOMORROW PLAN.

WHEREAS, Board of Supervisors Resolution No. 796-90 urges the California Department of Transportation (Caltrans) to demolish the damaged portion of the\ Central Freeway viaduct of Highway 101 and Board of Supervisors Resolution No. 382-92 urges the removal of the demolished Central Freeway from the State Highway system; and

WHEREAS, The demolition of the Central Freeway has contributed to the revitalization of the Western Addition and Hayes Valley neighborhoods, and has made approximately six city blocks available that previously lay underneath the freeway; and

WHEREAS, Senate Bill 181 (Kopp) mandates that Caltrans, in consultation with the City and County of San Francisco, shall identify reasonable and practical alternatives to repairing or replacing the damaged portions of Route 101 and shall hold at least two public meeting in the development of the alternatives; and

WHEREAS, The first public meeting was held on May 5,1992 at the John Swett Elementary School and was attended by over 400 people; and

WHEREAS, Of the three plans submitted by the Department of City Planning and Caltrans, and the alternate plans submitted by San Francisco Tomorrow, a majority of those in attendance expressed support for the "no new ramps" alternative; and

WHEREAS, SB 181 mandates that the selected alternative must be approved by a resolution of the City and County; now, therefore, be it

RESOLVED, That the Board of Supervisors, of the City and County of San Francisco does declare it to be the policy of the City and County not to build any new above-ground ramps north of Fell Street to replace the demolished sections of the Central Freeway; and be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco requests the Mayor, Caltrans and the U.S. Department of Transportation to arrive at an expeditious resolution of funding better surface-level traffic and transit improvements on the Highway 101 corridor; and be it

FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to immediately convene a task force to plan for the land use and transportation improvements for the Hayes Valley and Western Addition neighborhoods, in consultation with the residents and merchants of those areas and the development community. The membership of the task force shall include 11 community members who are residents of the Hayes Valley and Western Addition neighborhoods, who shall be appointed by the Board of Supervisors. The Mayor is urged to appoint interdepartmental representatives to advise this task force; and be it

FURTHER RESOLVED, That improvements to traffic flow along the U.S. 101/Van Ness corridor can be improved through upgrades to the South Van Ness interchange and the City and County of San Francisco requests the Caltrans to undertake a feasibility study of such interchange improvements in that area, and to consider, among other alternatives for traffic improvements that may be considered, the San Francisco Tomorrow Plan which appears in Board File No. 171-92-3.

APPENDIX 43: STADIUM OPERATOR ADMISSION TAX

Proposition F, Adopted November 3, 1998

ORDERING SUBMISSION TO THE VOTERS OF AN ORDINANCE APPROVING THE CONTINUED IMPOSITION OF THE STADIUM OPERATOR ADMISSION 'TAX AND THE TEMPORARY ADMISSION TAX ON STADIUM ADMISSIONS, AUTHORIZING THE ESTABLISHMENT OF A SUPPLEMENTAL STADIUM ADMISSION TAX UPON EXPIRATION OF THE TEMPORARY ADMISSION TAX AND MAKING MISCELLANEOUS TECHNICAL CORRECTIONS TO ARTICLE 11 OF PART III OF THE SAN FRANCISCO MUNICIPAL CODE GOVERNING STADIUM ADMISSION TAXES.

The Board of Supervisors hereby orders submitted to the qualified electors of the City and County of San Francisco, at an election to be held therein on November 3, 1998, an ordinance, submitted by the Board of Supervisors, approving the continued imposition of the stadium operator admission tax and temporary admission tax authorized under Article 11 of Part III of the San Francisco Municipal Code, and establishing a supplemental admission tax to take effect upon expiration of the temporary admission tax. The ordinance also amends Article 11 to implement these revisions and makes miscellaneous technical changes. The new ordinance shall read as follows:

[Stadium Operator Admission Tax]

APPROVING THE CONTINUED IMPOSITION OF THE STADIUM OPERATOR ADMISSION TAX AND THE TEMPORARY ADMISSION TAX AUTHORIZED BY ARTICLE 11 OF PART III OF THE SAN FRANCISCO MUNICIPAL CODE, AND AMENDING THAT ARTICLE BY AMENDING SECTIONS 801, 802A, 805, 807 AND 841 TO CONTINUE IMPOSITION OF STADIUM OPERATOR ADMISSION TAX, ESTABLISHING A SUPPLEMENTAL ADMISSIONS TAX IN LIEU OF THE TEMPORARY ADMISSION TAX, AND MAKING MISCELLANEOUS TECHNICAL CORRECTIONS.

Note: Additions are <u>underlined</u> deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS.

The People of the City and County of San Francisco hereby find and declare as follows:

A. Section 802 of Article 11 of Part III of the San Francisco Municipal Code (the Stadium Operator Admission Tax) imposes a tax on operators of athletic contests and other special events at any stadium located in the City and County of San Francisco. Section 802A of Article 11 imposes an additional temporary tax on such operators. These taxes are imposed on the operator based upon the number of tickets sold by the operator.

B. Revenues from the stadium operator admission tax under section 802 must be used for administration of Article 11, refunds of any overpayments of the tax, or for base rental and additional base rental pursuant to a lease and supplemental amended lease between the City and County and San Francisco Stadium, Inc. for improvements and expansion at Candlestick Park. These leases expire on or about

March 1, 2000. After the expiration of these agreements, the City will no longer be authorized to impose the stadium operator admission tax.

C. Revenues from the temporary tax under section 802A are required to be deposited in the City's General Fund. In 1995, the Board of Supervisors amended section 802A to extend the expiration of the temporary tax for professional baseball and football tickets from the end of the 1995 season until the end of the 2000 season, and for all other tickets, from June 30, 1995 until June 30, 2000.

D. Without voter approval, the following three things will occur:

(1) As a result of Article XIII C of the California Constitution, the authority of the City to impose the temporary admissions tax will expire on November 6,1998;

(2) By the terms of the ordinance establishing the temporary admission tax, the authority of the City to impose the tax for professional baseball and football games will expire at the end of the 2000 seasons for those sports, and on June 30, 2000 for all other events; and

(3) By the terms of the law establishing the stadium operator admission tax, the City's authority to collect the tax will expire on or about March 1, 2000, at the expiration of the leases between the City and San Francisco Stadium, Inc.

E. The People of the City and County of San Francisco desire to continue the authority of the City and County to collect the stadium operator admission tax authorized under section 802 after the expiration of the lease and supplemental amended lease due to expire on or about March 1, 2000. In addition, the People of the City and County of San Francisco desire to continue the authority of the City and County of San Francisco to collect the "temporary" stadium admission tax authorized by section 802A on a permanent basis.

Section 2. VOTER APPROVAL.

The continued imposition and collection of the stadium admission taxes authorized by sections 802 and 802A are hereby approved. The imposition and collection of a permanent supplemental tax in place of, and at the same rate as, the existing temporary admission tax are likewise approved. This supplemental tax shall become effective upon expiration of the existing temporary admission tax.

Section 3. DESIGNATION OF VOTER APPROVAL.

The City Attorney and the Clerk of the Board of Supervisors are directed to ensure that Part III of the San Francisco Municipal Code contains a designation that the taxes addressed by this ordinance have been approved by a majority of the voters of the City and County of San Francisco in accordance with Article XIII C of the California Constitution.

Section 4.

Article 11 of Part III of the San Francisco Municipal Code is hereby amended by amending Sections 801, 802A, 804, 807 and 841 to read as follows:

SEC. 801. ADDITIONAL DEFINITIONS.

When used in, this Article the following terms shall mean or include:

(a) "Admission Ticket." The term "Admission ticket" shall mean any charge for the right or privilege to enter and occupy a seat or space in a stadium for each event.

(b) "Operator." Any person conducting, operating or maintaining athletic contests, exhibitions and other special events within any stadium in the City and County of San Francisco, including but not limited to, the owner or operator of the stadium if other than the City and County, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating athletic contests, exhibitions and other special events.

(c) "Stadium." A structure ((open to the sky)) with tiers of seats surrounding a field area where athletic contests, exhibitions and other special events may be presented for which any admission charge may be made.

(d) "Occupy." To use or possess or have the right to use or possess any seat or space for the viewing of athletic contests, exhibitions or other special events.

SEC. 802A. TEMPORARY <u>OR SUPPLEMENTAL</u> ADMISSION TAX.

(a) There is hereby imposed a temporary admission tax on any operator of athletic contests, exhibition and other special events based upon the price of each admission ticket sold for the right to occupy a seat or space in any stadium within the City

and County of San Francisco for such event. The amount of the temporary admission tax shall be as follows: For tickets priced at $27 or more (including the admission tax under Section 802), the amount of the temporary admission tax shall be $0.75 per ticket; for tickets priced at less than $27 (including the admission tax under section 802), the amount of the temporary tax shall be $0.25. This temporary admission tax shall be in addition to the admission tax under Section 802.

(b) The exemptions provided in Section 807, Subsections (2) through (5) shall apply to the temporary admission tax imposed by this Section. The exemption provided in Section 807, Subsection, (1) shall not apply to the temporary admission tax imposed by this Section.

(c) Notwithstanding anything to the contrary in Section 841, or any other provision of law, all monies collected pursuant to this temporary admission tax shall be deposited in the general fund, and shall not be earmarked for any special purpose whatsoever.

(d) For tickets to professional football games and professional baseball games, this temporary admission tax shall expire after the 2000 season; for all other tickets, this temporary admission tax shall expire June 30, 2000. The temporary admission tax for tickets to professional games for the 1992 season shall be remitted to the City prior to July 1, 1992. The temporary admission tax for tickets to professional games for the 1993 season shall be remitted to the City prior to July 1, 1993. The temporary admission tax for tickets to professional games for the 1994 and 1995 and subsequent seasons shall be remitted to the City according to the provisions of Subsections (a) and (b) of Section 804 herein. The temporary admission tax for all other tickets shall be remitted to the City according to the provisions of Subsection (c) of Section 804 herein.

(e) Notwithstanding Subsection (d), the voters of the City and County of San Francisco hereby approve a supplemental admission tax to be imposed on a permanent basis in accordance with the rates and procedures set forth in Subsections (a)—(c) pertaining to the temporary admission tax. The City and County shall impose this tax immediately upon expiration of the authority to collect the temporary admission tax as set forth in Subsection (d). The supplemental admission tax for tickets to professional games for subsequent seasons shall be remitted io the City according to the provisions of Subsections (a) and (b) of Section 804 herein. The supplemental admission tax for all other tickets shall be remitted to the City according to the provisions of Subsection (c) of Section 804 herein. Under no circumstances shall an operator be liable for both the temporary admission tax and the supplemental admission tax on the same ticket.

SEC. 804. COLLECTION OF TAX; CLASSIFICATION OF PERSONS COLLECTING.

(a) **Regularly Scheduled Professional Games.** Any operator of a major league professional baseball or football club which uses and occupies a stadium ((owned by)) in the City and County for a regular schedule of games as set forth in annual schedules established in each calendar year for professional baseball or football games (including preseason, regular and championship schedules) shall within five days after the first day of each calendar month following the start of such schedule of games pay the tax due together with a return to the Tax Collector at his office, provided that any portion of any tax which is collected pursuant to Section 802 herein and which exceeds $0.50 per ticket shall be paid either monthly or annually, at the option of the club. If paid annually, payment shall be due on or before February 1st of each year for the sale of admission tickets for games played during the previous 12 months.

(b) **Season Tickets for Professional Games.** Taxes imposed on the sale of season admission tickets or subscriptions for the 1971 baseball or football seasons, whether sold in 1970 or 1971, shall be due and payable within five days after the first day of the calendar month following the month wherein such tickets or subscriptions are sold.

From and after the 1971 baseball or football seasons, taxes imposed on the sale of season tickets or subscriptions shall be due and payable within five days after the first day of the calendar month following the month wherein such tickets or subscriptions are sold, provided that any portion of any tax which is collected pursuant to Section 802 herein and which exceeds $0.50 per ticket shall be paid either monthly or annually, at the option of the club. If paid annually, payment shall be due on or before February 1st of each year for the sale of admission tickets for games played during the previous 12 months.

(c) Any person who operates an occasional athletic contest, a special event or exhibition within any stadium shall within five days after the completion of the scheduled event pay the proceeds of the tax to the Tax Collector.

SEC. 805. EXEMPTION FROM PERMIT AND BOND REQUIREMENT.

Operators of athletic teams who:

(1) Have leases from the ((Commission)) City and County for the right to exhibit athletic contests for a period longer than five years shall be deemed to be registered as an operator and shall be exempt from the provisions of Section 808 hereof; and

(2) Operators or sponsors of all-star charity athletic contests where the entire proceeds go to charity shall also be exempt.

SEC. 807. ADDITIONAL EXEMPTIONS.

(a) No tax shall be imposed (1) on the receipts from admission tickets sold at two dollars and one cent ($2.01) or less; this exemption shall apply only to the first 42,500 paid admissions to any single event; (2) when a stadium is used by athletic teams sponsored by the San Francisco Unified School District or by the San Francisco Community College District; (3) when a stadium is used by nonprofit elementary or secondary schools, attendance at which satisfies the requirements of the compulsory education laws of the State of California; (4) when a stadium is used by an operator or sponsor of charity athletic contests or other special benefit entertainment events no part of the net earnings of which inures to the benefit of any private shareholder or individual and the assets of said operating or sponsoring organization are irrevocably dedicated to tax-exempt purposes; and (5) any recreation field operated by the ((Recreation and Park Commission)) City and County where athletic contests, exhibitions or special events may be presented and which may contain a seating arrangement adjacent to one portion of said field containing not more than 5,000 permanent seats.

(b) Notwithstanding Sections 802 and 802A herein, the total stadium operator admission tax imposed under this Article shall be limited to $0.25 per ticket for admission to any professional baseball game at the stadium to be located at China Basin, and known as Pacific Bell Park, for the initial term of the Ground Lease dated November 26, 1997 between the City and County of San Francisco, acting through its Port Commission as landlord, and the China Basin Ballpark Company, L.L.C. as tenant.

SEC. 841. STADIUM OPERATOR ADMISSION TAX FUND.

The Tax Collector shall transmit all monies collected pursuant to this Article to the Treasurer for deposit to the credit of a special fund to be known as the "Stadium Operator Admission Tax Fund." Said fund shall be used solely for the following purposes:

(1) Administration of the provisions of this Article, cost of which shall not exceed two percent of the total amount collected;

(2) Refunds of any overpayments of the tax imposed hereunder;

(3) Effective July 1, 1971, appropriating funds for base rental and additional base rental as provided for in the Amended Park Lease and Supplemental Amended Park Lease between City and County and San Francisco Stadium, Inc., for the Improvement and Expansion of the Recreation Center located at Candlestick Park((.));

(4) Once all monies due in accordance with Subsection (3) have been paid, all monies collected pursuant to this Article shall be deposited in the General Fund and subject

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to the budgetary and fiscal provisions of the Charter, may be expended for any lawful City purpose.

APPENDIX 44: RESIDENTIAL RENT STABILIZATION AND ARBITRATION

Proposition G, Adopted November 3, 1998

AMENDMENT TO CHAPTER 37 OF THE SAN FRANCISCO ADMINISTRATIVE CODE THE RESIDENTIAL RENT STABILIZATION AND ARBITRATION ORDINANCE

Additions Are Underlined; Deletions Indicated By ~~Strikeout~~

Sec. 37.9. Evictions.

Notwithstanding Section 37.3, this section shall apply as of August 24, 1980, to all landlords and tenants of rental units as defined in Section 37.2(p).

(a) A landlord shall not endeavor to recover possession of a rental unit unless:

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(8) The landlord seeks to recover possession in good faith, without ulterior reasons and with honest intent: ~~for the landlord's use and occupancy as his or her principal residence, or for the use and occupancy as the principal residence of the landlord's children, parents, grandparents, grandchildren, brother or sister, or the landlord's spouse or the spouses of such relations, for a period of at least 12 continuous months.~~

(i) For the landlord's use or occupancy as his or her principal residence for a period of at least 36 continuous months;

(ii) For the use or occupancy of the landlord's grandparents, grandchildren, parents, children, brother or sister, or the landlord's spouse or the spouses of such relations, as their principal place of residency for a period of at least 36 months, in the same building in which the landlord resides as his or her principal place of residence or in a building in which the landlord is simultaneously seeking possession of a rental unit under 37.9(a)(8)(i). For purposes of this Section 37.9(a)(8)(ii), the term spouse shall include Domestic Partners as defined in San Francisco Administrative Code Chapter 62.1-62.8.

(iii) For purposes of this Section 37.9(a)(8) only, as to landlords who become owners of record of the rental unit on or before February 21, 1991, the term landlord shall be defined as an owner of record of at least 10% interest in the property or, for Section 37.9(a)(8)(i) only, two individuals registered as Domestic Partners as defined in San Francisco Administrative Code Chapter 62.1-62.8, whose combined ownership of record is at least 10 percent. For purposes of this Section 37.9(a)(8) only, as to landlords who become owners of record of the rental unit after February 21, 1991, the term "landlord" shall be defined as an owner of record of at least 25 percent interest in the property or, for Section 37.9(a)(8)(i) only, two individuals registered as Domestic Partners as defined in San Francisco Administrative Code Chapter 62.1-62.8 whose combined ownership of record is at least 25 percent.

(~~iii~~iv) A landlord may not recover possession under this Section 37.9(a)(8) if a comparable unit owned by the landlord ~~in the building~~ is already vacant and available, or if such a unit becomes vacant and available ~~during the period of the notice terminating tenancy.~~ before the recovery of possession of the unit. If a comparable unit does become vacant and available ~~during said notice period,~~ before the recovery of possession, the landlord shall rescind the notice to vacate and dismiss any action filed to recover possession of the premises. Provided further, if a non-comparable unit becomes available before the recovery of possession, the landlord shall offer that unit to the tenant at a rent based on the rent that the tenant is paying, with upward or downward adjustments allowed based on the condition, size, and other amenities of the replacement unit. Disputes concerning the initial rent for the replacement unit shall be determined by the Rent Board. It shall be evidence of a lack of good faith if a landlord times the service of the notice, or the filing of an action to

recover possession so as to avoid moving into a comparable unit, or to avoid offering a tenant a replacement unit.

(~~iii~~v) It shall be rebuttably presumed that the landlord has not acted in good faith if the landlord or relative for whom the tenant was evicted does not move into the rental unit within three months and occupy said unit as that person's principal residence for a minimum of 36 ~~12~~ continuous months.

(vi) Once a landlord has successfully recovered possession of a rental unit pursuant to Section 37.9(a)(8)(i), then no other current or future landlords may recover possession of any other rental unit in the building under Section 37.9(a)(8)(i). It is the intention of this section that only one specific unit per building may be used for such occupancy under Section 37.9(a)(8)(i) and that once a unit is used for such occupancy, all future occupancies under Section 37.9(a)(8)(i) must be of that same unit, provided that a landlord may file a petition with the Rent Board, or at the landlord's option, commence eviction proceedings, claiming that disability or other similar hardship prevents him or her from occupying a unit which was previously occupied by the landlord.

(vii) If any provision or clause of this amendment to Section 37.9(A)(8) or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other chapter provisions, and clauses of this chapter are held to be severable; or

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(g) ~~TEMPORARY MORATORIUM.~~ The following additional provisions shall apply to a landlord who seeks to recover a rental unit by utilizing the grounds enumerated in Section 37.9(a)(8):

(1) ~~As of the effective date of the Ordinance amending Chapter 37 by adding this Section 37.9(g) (Ordinance No. 109-97.4) and continuing through June 30, 1999, a~~ A landlord may not recover possession of a unit from a tenant under Section 37.9(a)(8) if the landlord has or receives notice, any time before recovery of possession, that any tenant in the rental unit:

(A) Is 60 years of age or older and has been residing in the unit for 10 years or more; or

(B) Is disabled within the meaning of Section 37.9(g)(1)(B)(i) and has been residing in the unit for 10 years or more, or is catastrophically ill within the meaning of Section 37.9(g)(1)(B)(ii) and has been residing in the unit for 5 years or more:

(i) A "disabled" tenant is defined for purposes of this Section 37.9(g)(1)(B) as a person who is disabled or blind within the meaning of the federal Supplemental Security Income/California State Supplemental Program (SSI/SSP), and who is determined by SSI/SSP to qualify for that program or who satisfies such requirements through any other method of determination as approved by the Rent Board;

(ii) A "catastrophically ill" tenant is defined for purposes of this Section 37.9(g)(1)(B) as a person who is disabled as defined by Section 37.9(g)(1)(B)(i), and who is suffering from a life threatening illness as certified by his or her primary care physician.

(2) The foregoing provisions of Section 37.9(g)(1)(A) and (B) shall not apply where there is only one rental unit owned by the landlord in the building, or where each of the rental units owned by the landlord in the same building where the landlord resides (except the unit actually occupied by the landlord) is occupied by a tenant otherwise protected from eviction by Sections 37.9(g)(1)(A) and (B) and where the landlord's qualified relative who will move into the unit pursuant to Section 37.9(a)(8) is 60 years of age or older.

(3) The ~~temporary eviction moratorium~~ provisions established by this Section 37.9(g) include~~s,~~ but are ~~is~~ not limited to, any rental unit where a notice to vacate/quit has been served as of the date this amendment ~~the temporary moratorium~~ takes effect ~~(see Section 37.9(g)(1)~~ but where the rental unit has not yet been vacated or an unlawful detainer judgment has not been issued.

~~(4) Unless otherwise limited or extended, the provisions of Section 37.9(g) shall remain in effect through June 30, 1999 only, and shall no longer be in effect on July 1, 1999, and thereafter.~~

(4) Within 30 days of personal service by the landlord of a written request, or, at the landlord's option, a notice of termination of tenancy under 37.9(a)(8), the tenant must submit a statement, with supporting evidence, to the landlord if the tenant claims to be a member of one of the classes protected by Section 37.9(g). The written request or notice shall contain a warning that a tenant's failure to submit a statement within the 30 day period shall be deemed an admission that the tenant is not protected by Section 37.9(g). The landlord shall file a copy of the request

or notice with the Rent Board within ten days of service on the tenant. A tenant's failure to submit a statement within the 30 day period shall be deemed an admission that the tenant is not protected by Section 37.9(g). A landlord may challenge a tenant's claim of protected status either by requesting a hearing with the Rent Board or, at the landlord's option, through commencement of eviction proceedings, including service of a notice of termination of tenancy. In the Rent Board hearing or the eviction action, the tenant shall have the burden of proof to show protected status. No civil or criminal liability under 37.9(e) or (f) shall be imposed upon a landlord for either requesting or challenging a tenant's claim of protected status.

(5) This Section 37.9(g) is severable from all other sections and shall be of no force or effect if any temporary moratorium on owner/relative evictions adopted by the Board of Supervisors after June 1, 1998 and before October 31, 1998 has been invalidated by the courts in a final decision.

APPENDIX 45: HOTEL TAX SURCHARGE

Proposition H, Adopted November 3, 1998

ORDERING SUBMISSION TO THE VOTERS OF AN ORDINANCE APPROVING THE CONTINUED IMPOSITION OF A 2% HOTEL TAX SURCHARGE ON THE RENT FOR OCCUPANCY OF GUEST ROOMS IN CERTAIN HOTELS FOR GENERAL FUND PURPOSES BY AMENDING PART III, ARTICLE 7 (TAX ON TRANSIENT OCCUPANCY OF HOTEL ROOMS), OF THE SAN FRANCISCO MUNICIPAL CODE BY ADDING SECTION 502.6-2.

The Board of Supervisors hereby orders submitted to the qualified electors of the City and County of San Francisco, at an election to be held in November, 1998, an ordinance, submitted by the Board of Supervisors, approving the continued imposition of a 2% hotel tax surcharge on the rent for occupancy of guest rooms in certain hotels for general fund purposes by amending Part III, Article 7 (Tax on Transient Occupancy Hotel Rooms), of the San Francisco Municipal Code by adding Section 502.6-2. The new ordinance shall read as follows:

[2% Hotel Tax Surcharge]

APPROVING THE CONTINUED IMPOSITION OF A 2% HOTEL TAX SURCHARGE ON THE RENT FOR OCCUPANCY OF GUEST ROOMS IN CERTAIN HOTELS FOR GENERAL FUND PURPOSES BY AMENDING PART III, ARTICLE 7 (TAX ON TRANSIENT OCCUPANCY OF HOTEL ROOMS), OF THE SAN FRANCISCO MUNICIPAL CODE BY ADDING SECTION 502.6-2 THERETO.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS.

The People of the City and County of San Francisco hereby find and declare as follows:

A. Section 502.6-1 of the San Francisco Municipal Code imposes a 2% hotel tax surcharge on the rent for occupancy of guest rooms in certain hotels.

B. Currently, the 2% hotel tax surcharge is deposited in the General Fund of the City and County of San Francisco and expended for general city purposes.

C. As a result of California Constitution Article XIII C, this 2% hotel tax surcharge will expire on November 6, 1998 unless it is continued by a majority of the voters of the City and County of San Francisco at the November, 1998 general election.

D. The People of the City and County of San Francisco desire to continue the 2% hotel tax surcharge.

E. All monies derived from the collection of such 2% hotel tax surcharge shall be deposited in the General Fund of the City and County of San Francisco and, subject to the budgetary and fiscal provisions of the Charter, may be expended for any lawful City and County of San Francisco purposes.

Section 2.

Article 7 of the San Francisco Municipal Code is hereby amended by adding Section 502.6-2, to read as follows:

SEC. 502.6-2. CONTINUATION OF 2% HOTEL TAX SURCHARGE.

The City and County of San Francisco is hereby authorized to continue to levy and collect a 2% hotel tax surcharge imposed by Section 502.6-1. All monies derived from the collection of such 2% hotel tax surcharge shall be deposited in the General Fund of the City and County of San Francisco and, subject to the budgetary and fiscal provisions of the Charter, may be expended for any lawful City and County of San Francisco purposes.

APPENDIX 46: DOWNTOWN CALTRAIN STATION

Proposition H, Adopted, November 2, 1999

Be it ordained by the People of the City and County of San Francisco that:

Traffic congestion on highways and surface streets ranks near the top of San Francisco's environmental and economic challenges: Bay Area traffic congestion increased by over 30% from 1995 to 1996, wasting countless hours of people's time and adding to emissions of air pollutants including volatile organic compounds, nitrogen oxide, dioxin and particulate matter, which harm human health and the environment;

Significant new commercial and residential development is planned for the South of Market area and Mission Bay, including construction of a new ballpark, the Pacific Exchange, and a new University of California campus;

Without strengthened regional and local transit service, such development will dramatically increase traffic congestion, overwhelm MUNI capacity, and decrease the quality of life in the South of Market area;

The Caltrain commuter rail line from San Jose and Gilroy, which stops at every major city along the Peninsula, currently ends at 4th and Townsend Streets in San Francisco, over a mile from employment centers in downtown San Francisco, making it less attractive to daily commuters travelling in both directions;

The most efficient and economical means of reducing auto traffic between the Peninsula and San Francisco is to:

a) convert the Caltrain line from diesel to electric propulsion compatible with high speed rail; b) extend the Caltrain rail line to a regional transit station near downtown; and c) operate Caltrain at BART levels of speed, comfort, and frequency of service;

San Mateo and Santa Clara counties have already committed the majority of financing required to complete these projects: as a responsible partner in regional transportation planning, San Francisco should identify its fair share of federal, state, or local financing to accomplish these goals;

The California High Speed Rail Commission has selected San Francisco as the preferred destination for a bullet train from Los Angeles to the Bay Area, which would provide rail service between downtown Los Angeles and downtown San Francisco in under three hours;

A world-class regional transit station, connecting Caltrain, MUNI, AC Transit, Golden Gate Transit, and other intercity bus lines with high-speed rail should be located within easy walking distance of downtown and should have a direct connection to BART and MUNI Metro; and

Such a regional transit station will help maintain San Francisco's role as the economic and cultural center of Northern California into the twenty-first century.

SECTION 1.

It shall be and is the law of the city and county that the Caltrain commuter rail line, operated by the Peninsula Corridor Joint Powers Board or any successor agency thereto, be extended downtown to a regional intermodal transit station. To implement such law, the Mayor, the Board of Supervisors, and all city officers and agencies, including Redevelopment Agency Commissioners, with any, [sic] authority over any aspect of the extension of Caltrain downtown or the Transbay land use planning and redevelopment effort (hereinafter referred to as "all relevant city officers and agencies") shall adopt such further ordinances and resolutions and take all other actions as necessary to effectuate the prompt extension of Caltrain downtown to said station, and to protect right-of-way as identified in the Joint Powers Board's draft Downtown Extension Environmental Impact Report from any development that would preclude the extension or increase its costs.

SECTION 2.

As part of the extension of Caltrain downtown, a new or rebuilt terminal shall be constructed on the present site of the Transbay Transit Terminal serving Caltrain, regional and intercity bus lines, MUNI, and high speed rail, and having a convenient connection to BART and MUNI Metro. Said terminal shall be so designed and constructed as to: (a) yield the highest possible transit use by residents and commuters; (b) afford senior citizens, persons with disabilities, and other commuters with the most convenient connections between regional bus lines, MUNI, Caltrain, and BART; (c) produce the highest density of foot traffic, in conjunction with foot traffic from the Caltrain station, to accommodate mixed use retail development; (d) provide the lowest possible operating costs for MUNI and regional public bus lines; and (e) result in the lowest feasible combined costs for construction of the bus terminal and the Caltrain station, without sacrificing the aesthetic qualities of the terminal and station and their interface with surrounding development.

SECTION 3.

To eliminate diesel locomotive air pollution and minimize noise impacts on South of Market neighbors, the Mayor, the Board of Supervisors, and all relevant city officers and agencies shall pursue electrification of the Caltrain line from San Francisco to San Jose prior to or concurrent with the extension of Caltrain downtown. To ensure minimal inconvenience to businesses and residents South of Market Street during construction, the project shall, whenever feasible, employ tunnel boring techniques to extend Caltrain downtown.

SECTION 4.

Any construction contracts related to extension of Caltrain downtown signed by the City and County of San Francisco shall include provisions to reward contractors for the timely and safe completion of project work within the City and County of San Francisco.

SECTION 5.

The Mayor, the Board of Supervisors, and all relevant city officers and agencies shall negotiate construction contract and subcontract provisions with a goal of providing at least 10% of the new construction jobs resulting from the Caltrain downtown extension project to recent welfare recipients. The Mayor's Office of Economic Development and the Department of Human Services shall coordinate, in conjunction with other city departments and private, non profit social service agencies, any job training, employment recruitment, and related programs which are deemed necessary to achieve and maintain said goal. Whenever possible, any such job training and/or employment recruitment programs shall be focused within San Francisco neighborhoods with the highest rates of unemployment and welfare enrollment.

SECTION 6.

The Mayor, the Board of Supervisors, and all relevant city officers and agencies shall coordinate with elected officials and other officers and agencies representing San Mateo and Santa Clara counties to explore the feasibility and cost-efficiency of performing a substantial portion of the manufacture and/or assembly of any new equipment or retrofits for an electrified Caltrain commuter rail line in the Bay Area, so that the jobs and tax-revenue resulting from such manufacture and/or assembly benefit Bay Area residents.

SECTION 7.

The Mayor, the Board of Supervisors, the San Francisco Transportation Authority, and all relevant city officers and agencies shall coordinate with the Caltrain Joint Powers Board to explore the costs, feasibility, and benefits of reconfiguring and/or adding Caltrain station stops within San Francisco so as to provide easier Caltrain access to residents in Bayview/ Hunter's Point and Visitation Valley who commute to downtown San Francisco and/or the Peninsula.

SECTION 8.

The Mayor, the Board of Supervisors, the San Francisco Transportation Authority, and all relevant city officers and agencies shall take all appropriate actions to generate the revenue necessary to finance the Caltrain extension downtown and station construction referred to herein. Funding options to be pursued shall include, but shall not be limited to, the following, in the following order of priority:

(a) an application to secure funding through the federal Intermodal Surface Transportation Efficiency Act;

(b) an application to secure a portion of highway funding through the flexible funding provisions of the federal Intermodal Surface Transportation Efficiency Act;

(c) designation of the Caltrain extension as a priority mitigation project for the demolition of the Embarcadero freeway and use of a portion of the proceeds from the sale of excess Embarcadero freeway and Terminal Separator land, pursuant to the California Streets and Highways Code (Chapter 498 of the statutes of 1991);

(d) a portion of rental income and/or the local tax-increment from transit-oriented, mixed-use joint development at the site of the existing Transbay Transit Terminal and/or in the immediate vicinity thereof;

(e) a portion of Bay Bridge toll revenues;

(f) a portion of mitigation funds earmarked for the Bay Bridge retrofit; and/or

(g) a portion of any future federal, state, regional, or local revenues which become available for transportation projects.

SECTION 9.

The Mayor, the Board of Supervisors, and all relevant city officers and agencies are hereby forbidden from taking any actions that would conflict with the extension of Caltrain to downtown San Francisco, including, but not limited to, pursuing any uses for the present Transbay Terminal site that conflict with Section 2, or undertaking any other land use planning or development efforts that would conflict with the intent of this legislation.

SECTION 10.

If any word, phrase, sentence, paragraph or section of this ordinance, or application thereof to any person or circumstance, is held to be invalid, the remaining parts of this ordinance, including their application to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the parts of this ordinance and the applications thereof shall be deemed severable, and to have been enacted separately.

[The next page is number 157.]

APPENDIX 47: SUNSHINE ORDINANCE OF 1999

Proposition G, Adopted, November 2, 1999

Note: Within Section 2, deletions are indicated by ~~strike through~~; additions are underlined.

Be it ordained by the People of the City and County of San Francisco:

SECTION 1. TITLE

This initiative may be cited as the Sunshine Ordinance of 1999.

SECTION 2.

Part I of the San Francisco Municipal Code (Administrative Code) is hereby amended in Chapter 67 to read as follows:

ARTICLE I: IN GENERAL

SEC. 67.1 Findings and Purpose.

The Board of Supervisors and the People of the City and County of San Francisco find and declare ~~declares~~:

(a) Government's duty is to serve the public, reaching its decisions in full view of the public.

(b) ~~Commissions~~ Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. ~~This ordinance will assure that their deliberations are conducted before the people and that City~~ The people do not cede to these entities the right to decide what the people should know about the operations ~~are open to the people's review.~~ of local government.

(c) Although ~~that is the intent also of California's Ralph M. Brown Act and Public Records Act, the people of California have learned from costly experience that~~ California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. ~~civic issues and new governmental procedures also can erode the public's fundamental rights. Violations of open government principles occur at all levels, from local advisory boards to the highest reaches of the state hierarchy.~~

~~(d) It is time for San Francisco to reaffirm the plain purpose of the state's open government laws and to apply their underlying principles to local circumstances. No law is self-enforcing. Continued vigilance is essential.~~ As government evolves, so must the laws designed to ~~assure~~ ensure that the process remains visible.

(d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.

(e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force, can protect the public's interest in open government.

(f) ~~(e)~~ The people of San Francisco enact these amendments ~~want an open society. They do not give their public servants the right to decide what they should know. The public's right to know is as fundamental as its right to vote. To act on truth, the~~

~~people must be free to learn the truth. (f) The sun must shine on all the workings of government so the people may put their institutions right when they go wrong. San Francisco enacts this ordinance~~ to assure that~~, in general intent as well as in administrative procedure,~~ the people of ~~this City~~ the city remain in control of the government they have created.

(g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

SEC. 67.2 Citation.

This Chapter may be cited as the San Francisco Sunshine Ordinance.

ARTICLE II: PUBLIC ACCESS TO MEETINGS

SEC. 67.3 Definitions.

Whenever in this Article the following words or phrases are used, they shall ~~mean~~ have the following meanings:

(a) "City" shall mean the City and County of San Francisco.

(b) "Meeting" shall mean any of the following:

(1) a congregation of a majority of the members of a policy body at the same time and place;

(2) a series of gatherings, each of which involves less than a majority of a policy body, to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the City, if the cumulative result is that a majority of members has become involved in such gatherings; or

(3) any other use of personal intermediaries or communications media that could permit a majority of the members of a policy body to become aware of an item of business and of the views or positions of other members with respect thereto, and to negotiate consensus thereupon.

(4) "Meeting" shall not include any of the following:

(A) individual contacts or conversations between a member of a policy body and ~~a constituent which~~ another person that do not convey to the member the views or positions of other members upon the subject matter of the contact or conversation and in which the member does not solicit or encourage the restatement of the views of the other members;

(B) the attendance of a majority of the members of a policy body at a regional, statewide or national conference, or at a meeting organized to address a topic of local community concern and open to the public, provided that a majority of the members refrains from using the occasion to collectively discuss the topic of the gathering or any other business within the subject matter jurisdiction of the City; or

(C) the attendance of a majority of the members of a policy body at a purely social, recreational or ceremonial occasion other than one sponsored or organized by or for the policy body itself, provided that a majority of the members refrains from using the occasion to discuss any business within the subject matter jurisdiction of this body. A meal gathering of a policy body before, during or after a business meeting of the body is part of that meeting and shall be conducted only under circumstances that permit public access to hear and observe the discussion of members. Such meetings shall not be conducted in restaurants or other accommodations where public access is possible only in consideration of making a purchase or some other payment of value.

(D) ~~the proceedings of any committee having responsibility for the evaluation and improvement of the quality of medical care, mental services, or any other type of health services provided by the City or City-funded providers, including but not limited to committees described in Evidence Code sections 1156 et seq.~~

~~(E)~~ proceedings of the Department of Social Services Child Welfare Placement and Review Committee or similar committees which exist to consider confidential information and make decisions regarding Department of Social Services clients.

(c) "Passive meeting body" shall mean:

(1) Advisory committees created by the initiative of a member of a policy body, the Mayor, or a department head;

(2) Any group that meets to discuss with or advise the Mayor or any Department Head on fiscal, economic, or policy issues;

(3) Social, recreational or ceremonial occasions sponsored or organized by or for a policy body to

which a majority of the body has been invited.

(4) "Passive meeting body" shall not include a committee that consists solely of employees of the City and County of San Francisco created by the initiative of a member of a policy body, the Mayor, or a department head;

(5) Notwithstanding the provisions of paragraph (4) above, "Passive meeting body" shall include a committee that consists solely of employees of the City and County of San Francisco when such committee is reviewing, developing, modifying, or creating city policies or procedures relating to the public health, safety, or welfare or relating to services for the homeless;

(d) "Policy Body" shall mean:

(1) the Board of Supervisors;

(2) any other board or commission ~~established by~~ enumerated in the charter ~~or~~;

(3) any board, commission, committee, or other body created by ordinance or resolution of the Board of Supervisors; ~~or~~

~~(3)~~ (4) any advisory board, commission, committee or body ~~of the City~~, created by the initiative of a policy body~~.~~;

~~(4)~~ (5) any standing committee of a policy body irrespective of its composition.

~~A Policy Body~~ (6) "Policy Body" shall not include a committee which consists solely of employees of the City and County of San Francisco, unless such committee was established by charter or by ordinance or resolution of the Board of Supervisors.

(7) Any advisory board, commission, committee, or council created by a federal, state, or local grant whose members are appointed by city officials, employees or agents.

SEC. 67.4. Passive Meetings.

(a) ~~Gatherings as defined in subdivision (5), which shall be known as "passive meetings"~~ All gatherings of passive meeting bodies shall be accessible to individuals upon inquiry and to the extent possible consistent with the facilities in which they occur.

(1) Such gatherings need not be formally noticed, except on the City's website whenever possible, although the time, place and nature of the gathering shall be disclosed upon inquiry by a member of the public, and any agenda actually prepared for the gathering shall be accessible to such inquirers as a public record.

(2) Such gatherings need not be conducted in any particular space for the accommodation of ~~spectators,~~ members of the public, although ~~spectators~~ members of the public shall be permitted to observe on a space available basis consistent with legal and practical restrictions on occupancy.

(3) Such gatherings of a business nature need not provide opportunities for comment by ~~spectators~~ members of the public, although the person presiding may, in his or her discretion, entertain such questions or comments from spectators as may be relevant to the business of the gathering.

(4) Such gatherings of a social or ceremonial nature need not provide refreshments to spectators.

(5) Gatherings subject to this subsection ~~are~~ include the following: advisory committees or other multimember bodies created in writing or by the initiative of, or otherwise primarily formed or existing to serve as a non-governmental advisor to, a member of a policy body, the Mayor, ~~or~~ the City Administrator, a department head, or any elective officer, and social, recreational or ceremonial occasions sponsored or organized by or for a policy body to which a majority of the body has been invited. This subsection shall not apply to a committee which consists solely of employees of the City and County of San Francisco.

(6) Gatherings defined in subdivision (5) may hold closed sessions under ~~any~~ circumstances allowed by this Article ~~or the Ralph M. Brown Act~~.

(b) To the extent not inconsistent with state or federal law, a policy body shall include in any contract with an entity that owns, operates or manages any property in which the City has or will have an ownership interest, including a mortgage, and on which the entity performs a government function related to the furtherance of health, safety or welfare, a requirement that any meeting of the governing board of the entity to address any matter relating to the property or its government related activities on the property, or performance under the contract or grant, be conducted as provided in subdivision (a) of this section. Records made available to the governing

board relating to such matters shall be likewise available to the public, at a cost not to exceed the actual cost up to 10 cents per page, or at a higher actual cost as demonstrated in writing to such governing board.

SEC. 67.5. Meetings To Be Open And Public; Application Of Brown Act.

All meetings of any policy body shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.) and of this article. In case of inconsistent requirements under the Brown Act and this article, the requirement which would result in greater or more expedited public access shall apply.

SEC. 67.6 Conduct Of Business; Time And Place For Meetings.

(a) Each policy body, except for advisory bodies, shall establish by resolution or motion the time and place for holding regular meetings.

(b) Unless otherwise required by state or federal law or necessary to inspect real property or personal property which cannot be conveniently brought within the territory of the City and County of San Francisco or to meet with residents residing on property owned by the City, or to meet with residents of another jurisdiction to discuss actions of the policy body that affect those residents, all meetings of its policy bodies shall be held within the City and County of San Francisco.

(c) If a regular meeting would otherwise fall on a holiday, it shall instead be held on the next business day, unless otherwise rescheduled in advance.

(d) If, because of fire, flood, earthquake or other emergency, it would be unsafe to meet ~~in the customary location, the~~ at the regular meeting place, meetings may be held for the duration of the emergency at some other place specified by the policy body. The change of meeting site shall be announced, by the most rapid means of communication available at the time, in a notice to the local media who have requested written notice of special meetings pursuant to Government Code Section 54956. Reasonable attempts shall be made to contact others regarding the change in meeting location.

(e) Meetings of ~~advisory~~ passive meeting bodies as specified in Section ~~67.3(c)(3)~~ 67.6(d)(4) of this article shall be preceded by notice delivered personally or by mail, e-mail, or facsimile as reasonably requested at least ~~24~~ 72 hours before the time of such meeting to each person who has requested, in writing, notice of such meeting. If the advisory body elects to hold regular meetings, it shall provide by bylaws, or whatever other rule is utilized by that advisory body for the conduct of its business, for the time and place for holding such regular meetings. In such case, no notice of regular meetings, other than the posting of an agenda pursuant to Section 67.7 of this article in the place used by the policy body ~~or executive officer~~ which it advises, is required.

(f) Special meetings of any policy body, including advisory bodies that choose to establish regular meeting times, may be called at any time by the presiding officer thereof or by a majority of the members thereof, by delivering personally or by mail written notice to each member of ~~the board or commission and to each local newspaper, radio or television station requesting notice~~ such policy body and the local media who have requested written notice of special meetings in writing. Such notice ~~must~~ of a special meeting shall be delivered ~~personally or by mail~~ as described in (e) at least ~~24~~ 72 hours before the time of such meeting as specified in the notice. The ~~call and~~ notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings ~~by the board or commission~~. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the presiding officer or secretary of the ~~board~~ body or commission a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Each special meeting shall be held at the regular meeting place of the policy body except that the policy body may designate an alternate meeting place provided that such alternate location is specified in the ~~call and~~ notice of the special meeting; further provided that the ~~call and~~ notice of the special meeting shall be given at least 15 days prior to said special meeting being held at an alternate location. This provision shall not apply where the alternative meeting location is located

within the same building as the regular meeting place.

(g) If a meeting must be canceled, continued or rescheduled for any reason, notice of such change shall be provided to the public as soon as is reasonably possible, including posting of a cancellation notice in the same manner as described in section 67.7(c), and mailed notice if sufficient time permits.

SEC. 67.7 Agenda Requirements; Regular Meetings.

(a) At least 72 hours before a regular meeting, a policy body shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. In addition, a policy body shall post a current agenda on its Internet site at least 72 hours before a regular meeting.

(b) A description is meaningful if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. The description should be brief, concise and written in plain, easily understood English. It ~~may~~ shall refer to any explanatory documents that have been provided to the policy body in connection with an agenda item, such as correspondence or reports, and such documents shall be posted adjacent to the agenda or, if such documents are of more than one page in length, made available for public inspection and copying at a ~~stated~~ location indicated on the agenda during normal office hours.

(c) The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.

(d) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a policy body may respond to statements made or questions posed by persons exercising their public testimony rights, to the extent of asking a question for clarification, providing a reference to staff or other resources for factual information, or requesting staff to report back to the body at a subsequent meeting concerning the matter raised by such testimony.

(e) Notwithstanding subdivision (d), the policy body may take action on items of business not appearing on the posted agenda under any of the following conditions:

(1) Upon a determination by a majority vote of the body that an accident, natural disaster or work force disruption poses a threat to public health and safety.

(2) Upon a good faith, reasonable determination by a two-thirds vote of the body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that (A) the need to take immediate action on the item is so imperative as to threaten serious injury to the public interest if action were deferred to a subsequent special or regular meeting, or relates to a purely commendatory action, and (B) that the need for such action came to the attention of the body subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was on an agenda posted pursuant to subdivision (a) for a prior meeting of the body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(f) Each board and commission enumerated in the charter shall ensure that agendas for ~~each~~ regular and special ~~meeting~~ meetings are made available to speech and hearing impaired persons through telecommunications devices for the deaf, telecommunications relay services or equivalent systems, and, upon request, to sight impaired persons through Braille or enlarged type.

(g) Each policy body shall ensure that notices and agendas for ~~each~~ regular and special ~~meeting~~ meetings shall include the following notice:

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people

and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

(h) Each agenda of a policy body covered by this Sunshine Ordinance shall include the address, area code and phone number, fax number, e-mail address, and a contact person's name for the Sunshine Ordinance Task Force. Information on how to obtain a free copy of the Sunshine Ordinance shall be included on each agenda.

SEC. 67.7-1. Public Notice Requirements.

(a) Any public notice that is mailed, posted or published by a City department, board, agency or commission to residents residing within a specific area to inform those residents of a matter that may impact their property or that neighborhood area, shall be brief, concise and written in plain, easily understood English.

(b) The notice should inform the residents of the proposal or planned activity, the length of time planned for the activity, the effect of the proposal or activity, and a telephone contact for residents who have questions.

(c) If the notice informs the public of a public meeting or hearing, then the notice shall state that persons who are unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing, that these comments will be made a part of the official public record, and that the comments will be brought to the attention of the person or persons conducting the public meeting or hearing. The notice should also state the name and address of the person or persons to whom those written comments should be submitted.

SEC. 67.8. Agenda Disclosures: Closed Sessions.

(a) In addition to the brief general description of items to be discussed or acted upon in open and public session, the agenda posted pursuant to Government Code Section 54954.2, any mailed notice given pursuant to Government Code Section 54954.1, and any call and notice delivered to the local media and posted pursuant to Government Code Section 54956 shall specify and disclose the nature of any closed sessions by providing all of the following information:

(1) With respect to a closed session held pursuant to Government Code Section 54956.7:

LICENSE/PERMIT DETERMINATION:
applicant(s)
The space shall be used to specify the number of persons whose applications are to be reviewed.

(2) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Property:
Person(s) negotiating:
Under negotiation: Price — Terms of payment — Both

The space under "Property" shall be used to list an address, including cross streets where applicable, or other description or name which permits a reasonably ready identification of each parcel or structure subject to negotiation. The space under "Person(s) negotiating" shall be used to identify the person or persons with whom negotiations concerning that property are in progress. The spaces under "Under negotiation" shall be checked off as applicable to indicate which issues are to be discussed.

(3) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.9, either:

CONFERENCE WITH LEGAL COUNSEL
Existing litigation:
Unspecified to protect service of process
Unspecified to protect settlement posture

or:

CONFERENCE WITH LEGAL COUNSEL
Anticipated litigation:
As defendant As plaintiff

The space under "Existing litigation" shall be used to specifically identify a case under discussion pursuant to subdivision (a) of Government Code Section 54956.9, including the case name, court, and case number, unless the identification would jeopardize the City's ability to effectuate service of process upon one or more unserved parties, in which

instance the space in the next succeeding line shall be checked, or unless the identification would jeopardize the City's ability to conclude existing settlement negotiations to its advantage, in which instance the space in the next succeeding line shall be checked. If the closed session is called pursuant to subdivision (b) or (c) of Section 54956.9, the appropriate space shall be checked under "Anticipated litigation" to indicate the City's anticipated position as defendant or plaintiff respectively. If more than one instance of anticipated litigation is to be reviewed, space may be saved by entering the number of separate instances in the "As defendant" or "As plaintiff" spaces or both as appropriate. ~~The disclosure required by this section for anticipated litigation shall not apply to boards and commissions whose closed sessions are governed by charter section 3.500(f), except for the Board of Supervisors, unless and until a charter amendment is adopted repealing the provisions of that section relating to closed sessions.~~

(4) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54957, either:

THREAT TO PUBLIC SERVICES OR FACILITIES

Name, title and agency of law enforcement officer(s) to be conferred with:

or:

PUBLIC EMPLOYEE APPOINTMENT/ HIRING

Title/description of position(s) to be filled:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Position and, in the case of a routine evaluation, name of employee(s) being evaluated:

or:

PUBLIC EMPLOYEE DISMISSAL

Number of employees affected:

or:

(5) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54957.6, either:

CONFERENCE WITH NEGOTIATOR—COLLECTIVE BARGAINING

Name and title of City's negotiator:

Organization(s) representing:

Police officers, firefighters and airport police

Transit Workers

Nurses

Miscellaneous Employees

Anticipated issue(s) under negotiation:

Wages

Hours

Benefits

Working Conditions

Other (specify if known)

All

Where renegotiating a memorandum of understanding or negotiating a successor memorandum of understanding, the name of the memorandum of understanding:

In case of multiple items of business under the same category, lines may be added and the location of information may be reformatted to eliminate unnecessary duplication and space, so long as the relationship of information concerning the same item is reasonably clear to the reader. As an alternative to the inclusion of lengthy lists of names or other information in the agenda, or as a means of adding items to an earlier completed agenda, the agenda may incorporate by reference separately prepared documents containing the required information, so long as copies of those documents are posted adjacent to the agenda within the time periods required by Government Code Sections 54954.2 and 54956 and provided with any mailed or delivered notices required by Sections 54954.1 or 54956.

Section 67.8-1. Additional Requirements for Closed Sessions

(a) All closed sessions of any policy body covered by this Ordinance shall be either audio recorded or audio and video recorded in their entirety and all such recordings shall be retained for at least TEN years, or permanently where technologically and economically feasible. Closed session recordings shall be made available whenever all rationales for closing the session are no longer applicable. Recordings of closed sessions of a policy body covered by this Ordinance, wherein the justification for the closed session is due to "anticipated litigation" shall be released to the public in accordance with any of the

following provisions. TWO years after the meeting if no litigation is filed; UPON EXPIRATION of the statute of limitations for the anticipated litigation if no litigation is filed; as soon as the controversy leading to anticipated litigation is settled or concluded.

(b) Each agenda item for a policy body covered by this ordinance that involve existing litigation shall identify the court, case number, and date the case was filed on the written agenda. For each agenda item for a group covered by this ordinance that involves anticipated litigation, the City Attorney's Office or the policy body shall disclose at any time requested and to any member of the public whether such anticipated litigation developed into litigation and shall identify the court, case number, and date the case was filed.

SEC. 67.9. Agendas And Related Materials: Public Records.

(a) Agendas of meetings and any other documents on file with the clerk of the policy body, when intended for distribution to all, or a majority of all, of the members of a policy body in connection with a matter anticipated for discussion or consideration at a public meeting shall be made available to the public. To the extent possible, such documents shall also be made available through the policy body's Internet site. However, this disclosure need not include any material exempt from public disclosure under ~~Government Code Sections 6253.5, 6254, or 6254.7~~ this ordinance.

(b) Records which are subject to disclosure under subdivision (a) and which are intended for distribution to ~~the~~ a policy body prior to commencement of a public meeting shall be made available for public inspection and copying upon request prior to commencement of such meeting, whether or not actually distributed to or received by the body at the time of the request.

(c) Records which are subject to disclosure under subdivision (a) and which are distributed during a public meeting but prior to commencement of their discussion shall be made available for public inspection prior to commencement of, and during, their discussion.

(d) Records which are subject to disclosure under subdivision (a) and which are distributed during their discussion at a public meeting shall be made available for public inspection immediately or as soon thereafter as is practicable.

(e) A policy body may charge a duplication fee of one cent per page for a copy of a public record prepared for consideration at a public meeting, unless a special fee has been established pursuant to the procedure set forth in section 67.28(d). Neither this section nor the California Public Records Act (Government Code sections 6250 et seq.) shall be construed to limit or delay the public's right to inspect any record required to be disclosed by that act. whether or not distributed to a policy body.

SEC. 67.10. Closed Sessions: ~~Public Facilities And Employees~~ PERMITTED TOPICS.

A policy body may, but is not required to, hold closed sessions:

(a) With the Attorney General, district attorney, sheriff, or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities.

(b) To consider the appointment, employment, evaluation of performance, or dismissal of a City employee, if the policy body has the authority to appoint, employ, or dismiss the employee, or to hear complaints or charges brought against the employee by another person or employee unless the employee complained of requests a public hearing. The body may exclude from any such public meeting, and shall exclude from any such closed meeting, during the comments of a complainant, any or all other complainants in the matter. The term "employee" as used in this section shall not include any elected official, member of a policy body or applicant for such a position, or person providing services to the City as an independent contractor or the employee thereof, including but not limited to independent attorneys or law firms providing legal services to the City for a fee rather than a salary.

(c) Notwithstanding section (b), an Executive Compensation Committee established ~~under~~ pursuant to a Memorandum of Understanding with the Municipal Executives Association may meet in closed session when evaluating the performance of an individual officer or employee subject to that Memorandum of Understanding or when establishing

performance goals for such an officer or employee where the setting of such goals requires discussion of that individual's performance.

~~(d) This section shall not apply to boards and commissions whose closed sessions are governed by charter section 3.500(f), except for the Board of Supervisors, unless and until a charter amendment is adopted repealing the provisions of that section relating to closed sessions.~~

~~**SEC. 67.11. Closed Sessions: Pending Litigation.**~~

~~(a) A policy body, based~~

(d) Based on advice of its legal counsel, and on a motion and vote in open session to assert the attorney-client privilege, ~~may hold a closed session~~ to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would likely and unavoidably prejudice the position of the City in that litigation.

~~(b)~~ Litigation shall be considered pending when any of the following circumstances exist:

(1) An adjudicatory proceeding before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator, to which the City is a party, has been initiated formally; or.~~-~~

(2) A point has been reached where, in the opinion of the policy body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City, or the body is meeting only to decide whether a closed session is authorized pursuant to that advice or, based on those facts and circumstances, the body has decided to initiate or is deciding whether to initiate litigation.

~~(c)~~ (3) A closed session may not be held under this section to consider the qualifications or engagement of an independent contract attorney or law firm, for litigation services or otherwise.

~~(d) Prior to holding a closed session pursuant to this section, the policy body shall disclose the justification for its closure either by entries in the appropriate categories on the agenda or, in the case of an item added to the agenda based on a finding of necessity and urgency, by an oral announcement specifying the same information.~~

~~(e) This section shall not apply to boards and commissions whose closed sessions are governed by charter section 3.500(f), except for the Board of Supervisors, unless and until a charter amendment is adopted repealing the provisions of that section relating to closed sessions.~~

~~**SEC. 67.12. Closed Sessions: Employee Salaries And Benefits.**~~

~~(a) A policy body with authority over~~

(e) With the City's designated representatives regarding matters within the scope of collective bargaining or meeting and conferring with public employee organizations ~~may hold closed sessions~~ when a policy body has authority over such matters.

~~with the City's designated representatives regarding such matters Closed~~

(1) Such closed sessions shall be for the purpose of reviewing the City's position and instructing its designated representatives and may take place solely prior to and during active consultations and discussions between the City's designated representatives and the representatives of employee organizations or the unrepresented employees. A policy body shall not discuss compensation or other contractual matters in closed session with one or more employees directly interested in the outcome of the negotiations.

~~(b)~~ (2) In addition to the closed sessions authorized by ~~subdivision (a)~~ subsection 67.10(e)(1), a policy body subject to Government Code Section 3501 may hold closed sessions with its designated representatives on mandatory subjects within the scope of representation of its represented employees, as determined **pursuant to Section 3504.**

SEC. ~~67.13)~~ 67.11. Statement Of Reasons For Closed Sessions.

Prior to any closed session, a policy body shall state the general reason or reasons for the closed session, and ~~may cite~~ shall cite the statutory authority, including the specific section and subdivision, or other legal authority under which the session is being held. In the closed session, the policy body may consider only those matters covered in its statement. In the case of regular and special meetings, the statement shall be made in the form of the agenda disclosures and specifications required by Section 67.8 of this

article. In the case of adjourned and continued meetings, the statement shall be made with the same disclosures and specifications required by Section 67.8 of this article, as part of the notice provided for the meeting.

In the case of an item added to the agenda as a matter of urgent necessity, the statement shall be made prior to the determination of urgency and with the same disclosures and specifications as if the item had been included in the agenda pursuant to Section 67.8 of this article. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

SEC. ~~67.14~~ 67.12. Disclosure Of Closed Session Discussions and Actions.

(a) After every closed session, a policy body may in its discretion and in the public interest, disclose to the public any portion of its discussion ~~which~~ that is not confidential under federal or state law, the Charter, or non-waivable privilege. The body shall, by motion and vote in open session, elect either to disclose no information or to disclose the information ~~which~~ that a majority deems to be in the public interest. The disclosure shall be made through the presiding officer of the body or such other person, present in the closed session, whom he or she designates to convey the information.

(b) A policy body shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

(1) Real Property Negotiations: Approval given to ~~the~~ a policy body's negotiator concerning real estate negotiations pursuant to Government Code Section 54956.8 shall be reported as soon as the agreement is final. If its own approval renders the agreement final, the policy body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval rests with ~~the~~ another party to the negotiations, the body shall disclose the fact of that approval, the substance of the agreement and the body's vote or votes thereon upon inquiry by any person, as soon as the other party or its agent has informed the body of its approval. If notwithstanding the final approval there are conditions precedent to the final consummation of the transaction, or there are multiple contiguous or closely located properties that are being considered for acquisition, the document referred to in subdivision (b) of this section need not be disclosed until the condition has been satisfied or the agreement has been reached with respect to all the properties, or both.

(2) Litigation: Direction or approval given to the body's legal counsel to prosecute, defend or seek or refrain from seeking appellate review or relief, or to otherwise enter as a party, intervenor or amicus curiae in any form of litigation as the result of a consultation ~~under~~ pursuant to Government Code Section 54956.9 shall be reported in open session as soon as given, or at the first meeting after an adverse party has been served in the matter if immediate disclosure of the City's intentions would be contrary to the public interest. The report shall identify the adverse party or parties, any co-parties with the City, any existing claim or order to be defended against or any factual circumstances or contractual dispute giving rise to the City's complaint, petition or other litigation initiative. ~~This section shall not apply to boards and commissions whose closed sessions are governed by charter section 3.500(f), except for the Board of Supervisors, unless and until a charter amendment is adopted repealing the provisions of that section relating to closed sessions.~~

(3) Settlement: A policy body shall neither solicit nor agree to any term in a settlement which would preclude the release~~, upon request by the public,~~ of the text of the settlement itself and any related documentation communicated to or received from the adverse party or parties. ~~at~~ Any written settlement agreement and any documents attached to or referenced in the settlement agreement shall be made publicly available at least 10 calendar days before the meeting of the policy body at which the settlement is to be approved to the extent that the settlement would commit the City or a department thereof to adopting, modifying, or discontinuing an existing policy, practice or program or otherwise acting other than to pay an amount of money less than $50,000. The agenda for any meeting in which a settlement subject to this section is discussed shall identify the names of the parties, the case number, the court, and the material terms of the settlement. Where the disclosure of documents in a litigation matter that has been settled could ~~affect~~ be detrimental to the

city's interest in pending litigation ~~on a closely related case~~ arising from the same facts or incident and involving a party not a party to or otherwise aware of the settlement, the documents required to be disclosed by subdivision (b) of this section need not be disclosed until the ~~closely related~~ other case is settled or otherwise finally concluded. ~~This section shall not be applicable to the Airports Commission, the Port Commission or the Public Utilities Commission.~~

(4) Employee Actions: Action taken to appoint, employ, dismiss, transfer or accept the resignation of a public employee in closed session pursuant to Government Code Section 54957 shall be reported immediately in a manner that names the employee, the action taken and position affected and, in the case of dismissal for a violation of law or of the policy of the City, the reason for dismissal. "Dismissal" within the meaning of this ordinance includes any termination of employment at the will of the employer rather than of the employee, however characterized. The proposed terms of any separation agreement shall be immediately disclosed as soon as presented to the body, and its final terms shall be immediately disclosed upon approval by the body. ~~**Except for information required to be disclosed by the Ralph M. Brown Act, this section shall not apply to boards and commissions whose closed sessions are governed by charter section 3.500(f), except for the Board of Supervisors, unless and until a charter amendment is adopted repealing the provisions of that section relating to closed sessions.**~~

(5) Collective Bargaining: Any collectively bargained agreement shall be made publicly available at least 15 calendar days before the meeting of the policy body to which the agreement is to be reported.

(c) Reports required to be made immediately may be made orally or in writing, but shall be supported by copies of any contracts, settlement agreements, or other documents related to the transaction that were finally approved or adopted in the closed session and that embody the information required to be disclosed ~~by immediate report,~~ immediately shall be provided to any person who ~~requested such copies in~~ has made a written request ~~submitted within 24 hours of~~ regarding that item following the posting of the agenda, or who has made a standing request for all such documentation as part of a request for notice of meetings pursuant to Government Code Sections 54954.1 or 54956.

(d) A written summary of the information required to be immediately reported pursuant to this section, or documents embodying that information, shall be posted by the close of business on the next business day following the meeting, in the place where the meeting agendas of the body are posted.

SEC. ~~67.15~~ 67.13. Barriers To Attendance Prohibited.

(a) No policy body shall conduct any meeting, conference or other function in any facility that excludes persons on the basis of actual or presumed class identity or characteristics, or which is inaccessible to persons with physical disabilities, or where members of the public may not be present without making a payment or purchase. Whenever the Board of Supervisors, ~~or~~ a board or commission enumerated in the charter, or ~~a permanent sub-quorum~~ any committee ~~of the governing board or commission~~ thereof anticipates that the number of persons attending the meeting will exceed the legal capacity of the meeting room, any public address system used to amplify sound in the meeting room shall be extended by supplementary speakers to permit the overflow audience to listen to the proceedings in an adjacent room or passageway, unless such supplementary speakers would disrupt the operation of a City office.

(b) Each board and commission enumerated in the charter shall provide sign language interpreters or note-takers at each regular meeting, ~~providing~~ provided that a request for such services is communicated to the secretary ~~to~~ or clerk of the board or commission at least 48 hours before the meeting, except for Monday meetings, for which the deadline shall be 4 p.m. of the last business day of the preceding week.

(c) Each board and commission enumerated in the charter shall ensure that accessible seating for persons with disabilities, including those using wheelchairs, is made available for each regular and special meeting.

(d) Each board and commission enumerated in the charter shall include on the agenda for each ~~general~~ regular and special meeting the following statement: "In order to assist the City's efforts to

accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals."

(e) The Board of Supervisors shall seek to provide translators at each of its regular ~~meeting of the full Board of Supervisors and Board Committees~~ meetings and all meetings of its committees for each language requested, where the translation is necessary to enable San Francisco residents with limited English proficiency to participate in the proceedings~~. However, it is projected that the use of))~~ provided that a request for such translation services ~~will most likely be required at the Board of Supervisors and Board Committee meetings held in the community where community members have limited English proficiency. The request for translation services shall be~~ is communicated to the Clerk of the Board of Supervisors at least 48 hours before the meeting. ~~When the Board or Committee meets~~ For meetings on a Monday or a Tuesday, the request must be made by noon of the last business day of the preceding week. The Clerk of the Board of Supervisors shall first solicit volunteers from the ranks of City employees and/or from the community to serve as translators. If volunteers are not available the Clerk of the Board of Supervisors may next solicit translators from non-profit agencies, which may be compensated. If these options do not provide the necessary translation services, the Clerk may employ professional translators. The unavailability of a translator shall not affect the ability of the Board of Supervisors or its committees to deliberate or vote upon any matter presented to them. In any calendar year in which the costs to the City for providing translator services under ~~Subsection (e)~~ this subsection exceeds $20,000, the Board of Supervisors shall, as soon as possible thereafter, review the provisions of ~~Subsection (e). The provisions of Subsection (e) shall expire on December 31, 1998.~~ this subsection.

~~SEC. 67.16~~ SEC. 67.14. Tape Recording, Filming And Still Photography.

(a) Any person attending an open and public meeting of a policy body shall have the right to record the proceedings with an audio or video ~~tape~~ recorder or a still or motion picture camera, or to broadcast the proceedings, in the absence of a reasonable finding of the policy body that the recording or broadcast cannot continue without such noise, illumination or obstruction of view as to constitute a persistent disruption of the proceedings.

(b) Each board and commission enumerated in the charter shall ~~tape~~ audio record each regular and special meeting. Each such ~~tape~~ audio recording, and any audio or video ~~tape~~ recording of a meeting of any other policy body made at the direction of the policy body shall be a public record subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et seq.), and shall not be erased or destroyed ~~for at least seven calendar days, provided that if during that seven day period a written request for inspection or copying of that record is made, the tape shall not be destroyed or erased until the requested inspection or copying has been accomplished~~. Inspection of any such ~~video or tape~~ recording shall be provided without charge on ~~a tape recorder~~ an appropriate play back device made available by the City.

SEC. ~~67.17.~~ 67.15. Public Testimony ~~At Regular And Certain Special Meetings.~~

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address a policy body on items of interest to the public that are within policy body's subject matter jurisdiction, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by section 67.7(e) of this article. However, in the case of a meeting of the Board of Supervisors, the agenda need not provide an opportunity for members of the public to address the Board on any item that has already been considered by a committee, composed exclusively of members of the Board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the Board.

(b) Every agenda for special meetings at which

action is proposed to be taken on an item shall provide an opportunity for each member of the public to directly address the body concerning that item prior to action thereupon.

(c) A policy body may adopt reasonable regulations to ensure that the intent of subdivisions (a) and (b) are carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Each policy body shall adopt a rule providing that each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for up to three minutes. Time limits shall be applied uniformly to members of the public wishing to testify.

(d) A policy body shall not abridge or prohibit public criticism of the policy, procedures, programs or services of the City, or of any other aspect of its proposals or activities, or of the acts or omissions of the body, on the basis that the performance of one or more public employees is implicated, or on any basis other than reasonable time constraints adopted in regulations pursuant to subdivision (c) of this section.

(e) To facilitate public input, any agenda changes or continuances shall be announced by the presiding officer of a policy body at the beginning of a meeting, or as soon thereafter as the change or continuance becomes known to such presiding officer.

SEC 67.16 ~~SEC 67.18~~. Minutes.

The clerk ~~of the Board of Supervisors and the clerk~~ or secretary of each board and commission enumerated in the charter shall record the minutes for each regular and special meeting of the board or commission. The minutes shall state the time the meeting was called to order, the names of the members attending the meeting, the roll call vote on each matter considered at the meeting, the time the board or commission began and ended any closed session, the names of the members and the names, and titles where applicable, of any other persons attending any closed session, a list of those members of the public who spoke on each matter if the speakers identified themselves, whether such speakers supported or opposed the matter, a brief summary of each person's statement during the public comment period for each agenda item, and the time the meeting was adjourned. Any person speaking during a public comment period may supply a brief written summary of their comments which shall, if no more than 150 words, be included in the minutes.

The draft minutes of each meeting shall be available for inspection and copying upon request no later than ten working days after the meeting. The officially adopted minutes shall be available for inspection and copying upon request no later than ten working days after the meeting at which the minutes are adopted. Upon request, minutes required to be produced by this section shall be made available in Braille or increased type size.

SEC. ~~67.19~~ 67.17. Public Comment By Members Of Policy Bodies.

Every member of a policy body retains the full constitutional rights of a citizen to comment publicly on the wisdom or propriety of government actions, including those of the policy body of which he or she is a member. Policy bodies shall not sanction, reprove or deprive members of their rights as elected or appointed officials for expressing their judgments or opinions, including those which deal with the perceived inconsistency of non-public discussions, communications or actions with the requirements of state or federal law or of this ordinance. The release of specific factual information made confidential by state or federal law including, but not limited to, the privilege for confidential attorney-client communications, may be the basis for a request for injunctive or declaratory relief, of a complaint to the Mayor seeking an accusation of misconduct, or both.

ARTICLE III: PUBLIC INFORMATION AND PUBLIC RECORDS

SEC. 67.20. Definitions.

Whenever in this article the following words or phrases are used, they shall mean:

(a) "Department" shall mean a department of the City and County of San Francisco.

(b) "Public Information" shall mean the content of "public records" as defined in the California Public

Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication. "Public Information" shall not include "computer software" developed by the City and County of San Francisco as defined in the California Public Records Act (Government Code Section 6254.9).

(c) "Supervisor of Records" shall mean the City Attorney.

~~SEC. 67.21. Release Of Documentary Public Information. (a)~~

SEC. 67.21. Process for Gaining Access to Public Records; Administrative Appeals

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A *custodian of a public record* shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c)A *custodian of a public record* shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the *supervisor of records* for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of

the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

(f) The administrative remedy provided under this article shall in no way limit the availability of other administrative remedies provided to any person with respect to any officer or employee of any agency, executive office, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the *superior court* shall have jurisdiction to order compliance.

(g) In any court proceeding pursuant to this article there shall be a presumption that the record sought is public, and the burden shall be upon the custodian to prove with specificity the exemption which applies.

(h) On at least an annual basis, and as otherwise requested by the Sunshine Ordinance Task Force, the supervisor of public records shall prepare a tally and report of every petition brought before it for access to records since the time of its last tally and report. The report shall at least identify for each petition the record or records sought, the custodian of those records, the ruling of the supervisor of public records, whether any ruling was overturned by a court and whether orders given to custodians of public records were followed. The report shall also summarize any court actions during that period regarding petitions the Supervisor has decided. At the request of the Sunshine Ordinance Task Force, the report shall also include copies of all rulings made by the supervisor of public records and all opinions issued.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. The City Attorney may publish legal opinions in response to a request from any person as to whether a record or information is public. All communications with the City Attorney's Office with regard to this ordinance, including petitions, requests for opinion, and opinions shall be public records.

(g) Notwithstanding the provisions of this section, the City Attorney may defend the City or a City Employee in litigation under this ordinance that is actually filed in court to any extent required by the City Charter or California Law.

(h) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in ~~any~~ particulars not addressed by this ~~article.~~

~~(b)~~ ordinance and in accordance with the enhanced disclosure requirements provided in this ordinance.

(i) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated~~, plus the direct costs of equipment, supplies and labor costs associated with duplicating the electronic file which is requested~~. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under ~~the California Public Records Act and~~ this

ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

SEC. 67.21-1. Policy Regarding Use and Purchase of Computer Systems

(a) ~~(c)~~ It is the policy of the City and County of San Francisco to utilize computer technology in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records and shall make public records easily accessible over public networks such as the Internet.

(b) ~~(d)~~ Departments purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records:

(1) Implementing a computer system in which exempt information is segregated or filed separately from otherwise disclosable information.

(2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.

(3) Implementing a system that permits making records available through the largest non-profit, non-proprietary public computer network, consistent with the requirement for security of information.

SEC. 67.22. Release Of Oral Public Information.

Release of oral public information shall be accomplished as follows:

(a) Every department head shall designate a person or persons ~~knowledgable~~ knowledgable about the affairs of the department, to provide information, including oral information, to the public about the department's operations, plans, policies and positions. The department head may designate himself or herself for this assignment, but in any event shall arrange that an alternate be available for this function during the absence of the person assigned primary responsibility. If a department has multiple bureaus or divisions, the department may designate a person or persons for each bureau or division to provide this information.

(b) The role of the person or persons so designated shall be to provide information on as timely and responsive a basis as possible to those members of the public who are not requesting information from a specific person. This section shall not be interpreted to curtail existing informal contacts between employees and members of the public when these contacts are occasional, acceptable to the employee and the department, not disruptive of his or her operational duties and confined to accurate information not confidential by law.

(c) No employee shall be required to respond to an inquiry or inquiries from an individual if it would take the employee more than fifteen minutes to obtain the information responsive to the inquiry or inquiries.

(d) Public employees shall not be discouraged from or disciplined for the expression of their personal opinions on any matter of public concern while not on duty, so long as the opinion (1) is not represented as that of the department and does not misrepresent the department position; and (2) does not disrupt coworker relations, impair discipline or control by superiors, erode a close working relationship premised on personal loyalty and confidentiality, interfere with the employee's performance of his or her duties or obstruct the routine operation of the office in a manner that outweighs the employee's interests in expressing that opinion. In adopting this subdivision, the Board of Supervisors intends merely to restate and affirm court decisions recognizing the First Amendment rights enjoyed by public employees. Nothing in this section shall be construed to provide rights to City employees beyond those recognized by courts, now or in the future, under the First Amendment, or to create any new private cause of action or defense to disciplinary action.

(e) Notwithstanding any other provisions of this ordinance, public employees shall not be discouraged from or disciplined for disclosing any information that is public information or a public record to any journalist or any member of the public. Any public employee who is disciplined for disclosing public information or a public record shall have a cause of

action against the City and the supervisor imposing the discipline.

SEC. 67.23. Public Review File—Policy Body Communications.

(a) The clerk of the Board of Supervisors and the clerk of each board and commission enumerated in the charter shall maintain a file, accessible to any person during normal office hours, containing a copy of any letter, memorandum or other communication which the clerk has distributed to or received from a quorum of the policy body concerning a matter calendared by the body within the previous 30 days or likely to be calendared within the next 30 days, irrespective of subject matter, origin or recipient, except commercial solicitations, periodical publications or communications exempt from disclosure under the California Public Records Act (Government Code Section 6250 et seq.) and not deemed disclosable under Section 67.24 of this article.

(b) Communications, as described in subsection (a), sent or received in the last three business days shall be maintained in chronological order in the office of the department head or at a place nearby, clearly designated to the public. After documents have been on file for two full days, they may be removed, and, in the discretion of the board or commission, placed in a monthly chronological file.

(c) Multiple-page reports, studies or analyses which are accompanied by a letter or memorandum of transmittal need not be included in the file so long as the letter or memorandum of transmittal is included.

SEC. 67.24. ~~Non-exempt~~ Public Information That Must be Disclosed.

Notwithstanding ~~the~~ a department's legal discretion to withhold certain information under the California Public Records Act, the following policies shall govern specific types of documents and information and shall provide enhanced rights of public access to information and records:

(a) Drafts and Memoranda.

(1) Except as provided in subparagraph (2), no preliminary draft or department memorandum, whether in printed or electronic form, shall be exempt from disclosure under Government Code Section 6254, subdivision (a) ~~if it is normally kept on file~~ or any other provision. If such a document ~~it~~ is not normally kept on file and would otherwise be disposed of, its factual content is not exempt under subdivision (a). Only the recommendation of the author may, in such circumstances, be withheld as exempt.

(2) Draft versions of an agreement being negotiated by representatives of the City with some other party need not be disclosed immediately upon creation but must be preserved and made available for public review for 10 days prior to the presentation of the agreement for approval by a policy body, unless the body finds that and articulates how the public interest would be unavoidably and substantially harmed by compliance with this 10 day rule, provided that policy body as used in this subdivision does not include committees. In the case of negotiations for a contract, lease or other business agreement in which an agency of the City is offering to provide facilities or services in direct competition with other public or private entities that are not required by law to make their competing proposals public or do not in fact make their proposals public, the policy body may postpone public access to the final draft agreement until it is presented to it for approval. ~~Earlier versions and/or drafts of agreements shall not be subject to disclosure if the public interest in withholding such records clearly outweighs the public interest in disclosure as provided by California Government Code section 6254(a).~~

(b) Litigation Material.

(1) Notwithstanding any exemptions otherwise provided by law, the following are public records subject to disclosure under this Ordinance:

(i) A pre-litigation ~~(1) No prelitigation~~ claim against the City~~, or any other~~;

(ii) A record previously received or created by a department in the ordinary course of business~~, shall be exempt from disclosure under Government Code section 6254, subdivision (b)~~ that was not attorney/client privileged when it was previously received or created;

(iii) Advice on compliance with, analysis of, an opinion concerning liability under, or any communication otherwise concerning the California Public Records Act, the Ralph M. Brown Act, the Political Reform Act, any San Francisco governmental ethics code, or this Ordinance.

(2) Unless otherwise privileged under California law, when litigation is finally adjudicated or otherwise settled, records of all communications between the department and the adverse party shall be subject to disclosure, including the text and terms of any settlement.

(c) Personnel Information. None of the following shall be exempt from disclosure under Government Code Section 6254, subdivision (c), or any other provision of California Law where disclosure is not forbidden:

(1) The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group;

(ii) Years of graduate and undergraduate study, degree(s) and major or discipline;

(iii) Years of employment in the private and/or public sector;

(iv) Whether currently employed in the same position for another public agency.

(v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

(2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

(3) The job description of every employment classification.

(4) The exact gross salary and City-paid benefits available to every employee.

(5) Any memorandum of understanding between the City or department and a recognized employee organization.

(6) The amount, basis, and recipient of any performance-based increase in compensation, benefits, or both, or any other bonus, awarded to any employee, which shall be announced during the open session of a policy body at which the award is approved.

(7) The record of any confirmed misconduct of a public employee involving personal dishonesty, misappropriation of public funds, resources or benefits, unlawful discrimination against another on the basis of status, abuse of authority, or violence, and of any discipline imposed for such misconduct.

(d) Law Enforcement Information. ~~No records pertaining to any investigation, arrest or other law enforcement activity shall be exempt from disclosure under Government Code Section 6254, subdivision (f) beyond the point where the prospect of an enforcement action has been terminated by either a court or a prosecutor. When such a point has been reached, related records of law enforcement activity shall be accessible, except that individual items of information in the following categories may be withheld: the names of witnesses (whose distinct identities may be indicated by substituting an alphabetical letter for each individual interviewed); personal and otherwise private information unrelated to the reasons for which the law enforcement action was commenced or terminated; the identity of a confidential source; secret investigative techniques or procedures; or information whose disclosure would endanger law enforcement personnel.~~

The District Attorney, Chief of Police, and Sheriff are encouraged to cooperate with the press and other members of the public in allowing access to local records pertaining to investigations, arrests, and other law enforcement activity. However, no provision of this ordinance is intended to abrogate or interfere with the constitutional and statutory power and duties of the District Attorney and Sheriff as interpreted under Government Code section 25303, or other applicable state law or judicial decision. Records pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public once the District Attorney or court determines that a prosecution will not be sought against the subject involved, or once the statute of limitations for filing charges has expired, whichever occurs first. Notwithstanding the occurrence of any such event, individual items of information in the following categories may be segregated and withheld if, on the particular facts, the public interest in nondisclosure clearly and substantially outweighs the public interest in disclosure:

(1) the names of juvenile witnesses (whose identities may nevertheless be indicated by substituting a number or alphabetical letter for each individual

interviewed);

(2) personal or otherwise private information related to or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;

(3) the identity of a confidential source;

(4) secret investigative techniques or procedures;

(5) information whose disclosure would endanger law enforcement personnel; or

(6) information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is concrete and definite.

This subdivision shall not exempt from disclosure any portion of any record of a concluded inspection or enforcement action by an officer or department responsible for regulatory protection of the public health, safety, or welfare.

(e) Contracts, Bids and Proposals

(1) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a Request for Proposal ("RFP") has been completed, evaluation forms and score sheets and any other documents used by persons in the RFP evaluation or contractor selection process shall be available for public inspection. The names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be made immediately available after the review or evaluation of a RFP has been completed.

(2) Notwithstanding the provisions of this subdivision or any other provision of this ordinance, the Director of Public Health may withhold from disclosure proposed and final rates of payment for managed health care contracts if the Director determines that public disclosure would adversely affect the ability of the City to engage in effective negotiations for managed health care contracts. The authority to withhold this information applies only to contracts pursuant to which the City (through the Department of Public Health) either pays for health care services or receives compensation for providing such services, including mental health and substance abuse services, to covered beneficiaries through a pre-arranged rate of payment. This provision also applies to rates for managed health care contracts for the University of California, San Francisco, if the contract involves beneficiaries who receive services provided jointly by the City and University. This provision shall not authorize the Director to withhold rate information from disclosure for more than three years.

(3) During the course of negotiations for:

(i) personal, professional, or other contractual services not subject to a competitive process or where such a process has arrived at a stage where there is only one qualified or responsive bidder;

(ii) leases or permits having total anticipated revenue or expense to the City and County of five hundred thousand dollars ($500,000) or more or having a term of ten years or more; or

(iii) any franchise agreements,

all documents exchanged and related to the position of the parties, including draft contracts, shall be made available for public inspection and copying upon request. In the event that no records are prepared or exchanged during negotiations in the above-mentioned categories, or the records exchanged do not provide a meaningful representation of the respective positions, the city attorney or city representative familiar with the negotiations shall, upon a written request by a member of the public, prepare written summaries of the respective positions within five working days following the final day of negotiation of any given week. The summaries will be available for public inspection and copying. Upon completion of negotiations, the executed contract, including the dollar amount of said contract, shall be made available for inspection and copying. At the end of each fiscal year, each City department shall provide to the Board of Supervisors a list of all sole source contracts entered into during the past fiscal year. This list shall

be made available for inspection and copying as provided for elsewhere in this Article.

(f) Budgets and Other Financial Information. Budgets, whether tentative, proposed or adopted, for the City or any of its departments, programs, projects or other categories, and all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social or other services whose records are confidential by law, shall not be exempt from disclosure under any circumstances.

(g) Neither the City nor any office, employee, or agent thereof may assert California Public Records Act sec. 6255 or any similar provision as the basis for withholding any documents or information requested under this ordinance.

(h) Neither the City nor any office, employee, or agent thereof may assert an exemption for withholding for any document or information based on a "deliberative process" exemption, either as provided by California Public Records Act sec. 6255 or any other provision of law that does not prohibit disclosure.

(i) Neither the City, nor any office, employee, or agent thereof, may assert an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this ordinance providing for withholding of the specific type of information in question or on an express and specific exemption provided by California Public Records Act that is not forbidden by this ordinance.

SEC. 67.25. Immediacy Of Response.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information ~~in Section 67.24 of this Article which~~ shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are ~~written~~ placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. ~~These~~ Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this article.

SEC. 67.26. ~~Minimum~~ Withholding Kept to a Minimum.

No record shall be withheld from disclosure in its

entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. ~~If that employee's work in redaction and footnoting exceeds one hour, the requester may be required to pay that extra increment of time at the pro rata hourly salary rate of the~~ The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee~~. Staff time used to locate or collect~~, and no fee shall be charged to the requester to cover the personnel costs of responding to a records ~~for review or copying shall not be included as chargeable~~ request.

SEC. 67.27. Justification Of Withholding.

Any withholding of information shall be justified, in writing, as follows:

(a) A withholding under a specific permissive exemption in the California Public Records Act, or elsewhere, which permissive exemption is not forbidden to be asserted by this ordinance, shall cite that authority ~~and explain in factual terms how the public interest would be harmed by disclosure~~.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the specific statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any specific statutory or case law, or any other public agency's litigation experience, supporting that position.

(d) When a record being requested contains information, most of which is exempt from disclosure under the California Public Records Act and this Article, the custodian shall inform the requester of the nature and extent of the nonexempt information and suggest alternative sources for the information requested, if available.

SEC. 67.28. Fees For Duplication.

(a) No fee shall be charged for making public records available for review.

(b) For documents routinely produced in multiple copies for distribution, e.g. meeting agendas and related materials, unless a special fee has been established pursuant to subdivision (d) of this section, a fee not to exceed one cent per page may be charged, plus any postage costs.

(c) For documents assembled and copied to the order of the requester, unless a special fee has been established pursuant to subdivision (d) of this section, a fee not to exceed 10 cents per page may be charged, plus any postage.

(d) A department may establish and charge a higher fee than the one cent presumptive fee in subdivision (b) and the 10 cent presumptive fee in subdivision (c) if it prepares and posts an itemized cost analysis establishing that its cost per page impression exceeds 10 cents or one cent, as the case may be. The cost per page impression shall include the following costs: one sheet of paper; one duplication cycle of the copying machine in terms of toner and other specifically identified operation or maintenance factors, excluding electrical power~~; and one unit of operator labor calculated as the average hourly pay, excluding benefits, of the employee classification normally assigned to copy records, divided by 60, divided by the average number of copies per minute produced by the machines used in the department~~. Any such cost analysis shall identify the ~~employee classification used for the labor component and the~~ manufacturer, model, vendor and maintenance contractor, if any, of the copying machine or machines referred to.

(e) Video copies of video recorded meetings shall be provided to the public upon request for $10.00 or less per meeting.

SEC. 67.29. Index To Records.

~~Each department may cooperate with any voluntary effort by an interested and competent individual or organization to compile a master index to the types of records it maintains, including those it creates and those it receives in the ordinary course of business.~~ The City and County shall prepare a public records index that identifies the types of information

and documents maintained by City and County's departments, agencies, boards, commissions, and elected officers. The index shall be for the use of City officials, staff and the general public, and shall be organized to permit a general understanding of the types of information maintained, by which officials and departments, for which purposes and for what periods of retention, and under what manner of organization for accessing, e.g. by reference to a name, a date, a proceeding or project, or some other referencing system. The index need not be in such detail as to identify files or records concerning a specific person, transaction or other event, but shall clearly indicate where and how records of that type are kept. Any such master index shall be reviewed by appropriate staff for accuracy and presented for formal adoption to the administrative official or policy body responsible for the indexed records. The City Administrator shall be responsible for the preparation of this records index. The City Administrator shall report on the progress of the index to the Sunshine Ordinance Task Force on at least a semi-annual basis until the index is completed. Each department, agency, commission and public official shall cooperate with the City Administrator to identify the types of records it maintains, including those documents created by the entity and those documents received in the ordinary course of business and the types of requests that are regularly received. Each department, agency, commission and public official is encouraged to solicit and encourage public participation to develop a meaningful records index. The index shall clearly and meaningfully describe, with as much specificity as practicable, the individual types of records that are prepared or maintained by each department, agency, commission or public official of the City and County. The index shall be sufficient to aid the public in making an inquiry or a request to inspect. Any changes in the department, agency, commission or public official's practices or procedures affecting the accuracy of the information provided to the City Administrator shall be recorded by the City Administrator on a periodic basis so as to maintain the integrity and accuracy of the ~~. Any changes in the department's practices or procedures that would affect the accuracy of the index shall thereafter be reported by the responsible staff to the board, commission, or elective officer, as the case may be, as the basis for a corresponding revision of the~~ index. The index shall be continuously maintained on the City's World Wide Website and made available at public libraries within the City and County of San Francisco.

SEC. 67.29-1. Records Survive Transition of Officials.

All documents prepared, received, or maintained by the Office of the Mayor, by any elected city and county official, and by the head of any City or County Department are the property of the City and County of San Francisco. The originals of these documents shall be maintained consistent with the records retention policies of the City and County of San Francisco.

SEC. 67.29-2. Internet Access/World Wide Web Minimum Standards.

Each department of the City and County of San Francisco shall maintain on a World Wide Web site, or on a comparable, readily accessible location on the Internet, information that it is required to make publicly available. Each department is encouraged to make publicly available through its World Wide Web site, as much information and as many documents as possible concerning its activities. At a minimum, within six months after enactment of this provision, each department shall post on its World Wide Web site all meeting notices required under this ordinance, agendas and the minutes of all previous meetings of its policy bodies for the last three years. Notices and agendas shall be posted no later than the time that the department otherwise distributes this information to the public, allowing reasonable time for posting. Minutes of meetings shall be posted as soon as possible, but in any event within 48 hours after they have been approved. Each department shall make reasonable efforts to ensure that its World Wide Web site is regularly reviewed for timeliness and updated on at least a weekly basis. The City and County shall also make available on its World Wide Web site, or on a comparable, readily accessible location on the Internet, a current copy of the City Charter and all City Codes.

Section 67.29-3.

Any future agreements between the city and an

advertising space provider shall be public records and shall include as a basis for the termination of the contract any action by, or permitted by, the space provider to remove or deface or otherwise interfere with an advertisement without first notifying the advertiser and the city and obtaining the advertiser's consent. In the event advertisements are defaced or vandalized, the space provider shall provide written notice to the city and the advertiser and shall allow the advertiser the option of replacing the defaced or vandalized material. Any request by any city official or by any space provider to remove or alter any advertising must be in writing and shall be a public record.

SEC. 67.29-4. Lobbyist On Behalf of the City.

(a) Any lobbyist who contracts for economic consideration with the City and County of San Francisco to represent the City and County in matters before any local, regional, state, or federal administrative or legislative body shall file a public records report of their activities on a quarterly basis with the San Francisco Ethics Commission. This report shall be maintained by the Ethics Commission and not be exempt from disclosure. Each quarterly report shall identify all financial expenditures by the lobbyist, the individual or entity to whom each expenditure was made, the date the expenditure was made, and specifically identify the local, state, regional or national legislative or administrative action the lobbyist supported or opposed in making the expenditure. The failure to file a quarterly report with the required disclosures shall be a violation of this Ordinance.

(b) No person shall be deemed a lobbyist under section (a), unless that person receives or becomes entitled to receive at least $300 total compensation in any month for influencing legislative or administrative action on behalf of the City and County of San Francisco or has at least 25 separate contacts with local, state, regional or national officials for the purpose of influencing legislative or administrative action within any two consecutive months. No business or organization shall be deemed as a lobbyist under section (a) unless it compensates its employees or members for their lobbying activities on behalf of the City and County of San Francisco, and the compensated employees or members have at least 25 separate contacts with local, state, regional or national officials for the purpose of influencing legislative or administrative action within any two consecutive months. "Total compensation" shall be calculated by combining all compensation received from the City and County of San Francisco during the month for lobbying activities on matters at the local, state, regional or national level. "Total number of contacts" shall be calculated by combining all contacts made during the two-month period on behalf of the City and County of San Francisco for all lobbying activities on maters at the local, state, regional or national level.

(c) Funds of the City and County of San Francisco, including organizational dues, shall not be used to support any lobbying efforts to restrict public access to records, information, or meetings, except where such effort is solely for the purpose of protecting the identity and privacy rights of private citizens.

SEC. 67.29-5. Calendars of Certain Officials.

The Mayor, The City Attorney, and every Department Head shall keep or cause to be kept a daily calendar wherein is recorded the time and place of each meeting or event attended by that official, with the exclusion of purely personal or social events at which no city business is discussed and that do not take place at City Offices or at the offices or residences of people who do substantial business with or are otherwise substantially financially affected by actions of the city. For meetings not otherwise publicly recorded, the calendar shall include a general statement of issues discussed. Such calendars shall be public records and shall be available to any requester three business days subsequent to the calendar entry date.

SEC. 67.29-6. Sources of Outside Funding.

No official or employee or agent of the city shall accept, allow to be collected, or direct or influence the spending of, any money, or any goods or services worth more than one hundred dollars in aggregate, for the purpose of carrying out or assisting any City function unless the amount and source of all such funds is disclosed as a public record and made available on the website for the department to which the

funds are directed. When such funds are provided or managed by an entity, and not an individual, that entity must agree in writing to abide by this ordinance. The disclosure shall include the names of all individuals or organizations contributing such money and a statement as to any financial interest the contributor has involving the City.

SEC. 67.29-7. Correspondence And Records Shall Be Maintained.

(a) The Mayor and all Department Heads shall maintain and preserve in a professional and business-like manner all documents and correspondence, including but not limited to letters, e-mails, drafts, memorandum, invoices, reports and proposals and shall disclose all such records in accordance with this ordinance.

(b) The Department of Elections shall keep and preserve all records and invoices relating to the design and printing of ballots and other election materials and shall keep and preserve records documenting who had custody of ballots from the time ballots are cast until ballots are received and certified by the Department of Elections.

(c) In any contract, agreement or permit between the City and any outside entity that authorizes that entity to demand any funds or fees from citizens, the City shall ensure that accurate records of each transaction are maintained in a professional and businesslike manner and are available to the public as public records under the provisions of this ordinance. Failure of an entity to comply with these provisions shall be grounds for terminating the contract or for imposing a financial penalty equal to one-half of the fees derived under the agreement or permit during the period of time when the failure was in effect. Failure of any Department Head under this provision shall be a violation of this ordinance. This paragraph shall apply to any agreement allowing an entity to tow or impound vehicles in the City and shall apply to any agreement allowing an entity to collect any fee from any persons in any pretrial diversion program.

ARTICLE IV: POLICY IMPLEMENTATION

SEC. 67.30. The Sunshine Ordinance Task Force.

(a) There is hereby established a task force to be known as the Sunshine Ordinance Task Force consisting of eleven ~~thirteen~~ voting members appointed by the Board of Supervisors. All members must have experience and/or demonstrated interest in the issues of citizen access and participation in local government. Two members shall be appointed from individuals whose names have been submitted by the local chapter of the Society of Professional Journalists, one of whom shall be an attorney and one of whom shall be a local journalist. One member shall be appointed from the press or electronic media ~~who has an interest in the issues of citizen access and participation in local government~~. One member shall be appointed from individuals whose names have been submitted by the local chapter of the League of Women Voters. Four ~~Five~~ members shall be members of the public who have demonstrated interest in or have experience in the issues of citizen access and participation in local government. Two members shall be members of the public experienced in consumer advocacy. One member shall be a journalist from a racial/ethnic-minority-owned news organization and shall be appointed from individuals whose names have been submitted by New California Media. At all times the task force shall include at least one member who shall be a member of the public who is ~~disabled~~ physically handicapped and who has demonstrated interest in citizen access and participation in local government. The Mayor or his or her designee, and the Clerk of the Board of Supervisors ~~and~~ or his or her designee, shall serve as non-voting members of the task force. The City Attorney shall serve as legal advisor to the task force. The Sunshine Ordinance Task Force shall, at its request, have assigned to in an attorney from within the City Attorney's Office or other appropriate City Office, who is experienced in public-access law matters. This attorney shall serve solely as a legal advisor and advocate to the Task Force and an ethical wall will be maintained between the work of this attorney on behalf of the Task Force and any person or Office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney.

(b) The term of each appointive member shall be two years unless earlier removed by the Board of Supervisors. In the event of such removal or in the event a vacancy otherwise occurs during the term of

office of any appointive member, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described herein for the initial members. The task force shall elect a chair from among its appointive members. The term of office as chair shall be one year. Members of the task force shall serve without compensation.

(c) The task force shall advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement this chapter. The task force shall develop appropriate goals to ensure practical and timely implementation of this chapter. The task force shall propose to the Board of Supervisors amendments to this chapter. The task force shall report to the Board of Supervisors at least once annually on any practical or policy problems encountered in the administration of this chapter. The Task Force shall receive and review the annual report of the Supervisor of Public Records and may request additional reports or information as it deems necessary. The Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts. The Task Force shall, from time to time as it sees fit, issue public reports evaluating compliance with this ordinance and related California laws by the City or any Department, Office, or Official thereof.

(d) In addition to the powers specified above, the Task Force shall possess such powers as the Board of Supervisors may confer upon it by ordinance or as the People of San Francisco shall confer upon it by initiative.

(e) The Task Force Commission shall approve by-laws specifying a general schedule for meetings, requirements for attendance by Task Force members, and procedures and criteria for removing members for non-attendance.

SEC. 67.31. Responsibility for Administration.

The Mayor shall administer and coordinate the implementation of the provisions of this chapter for departments under his or her control. The Mayor shall administer and coordinate the implementation of the provisions of this chapter for departments under the control of board and commissions appointed by the Mayor. Elected officers shall administer and coordinate the implementation of the provisions of this chapter for departments under their respective control. The Clerk of the Board of Supervisors shall provide a full-time staff person to perform administrative duties for the Sunshine Ordinance Task Force and to assist any person in gaining access to public meetings or public information. The Clerk of the Board of Supervisors shall provide that staff person with whatever facilities and equipment are necessary to perform said duties.

SEC. 67.32. Provision of Services to other Agencies; Sunshine Required.

It is the policy of the City and County of San Francisco to ensure opportunities for informed civic participation embodied in this Ordinance to all local, state, regional and federal agencies and institutions with which it maintains continuing legal and political relationships. Officers, agents and other representatives of the City shall continually, consistently and assertively work to seek commitments to enact open meetings, public information and citizen comment policies by these agencies and institutions, including but not limited to the Presidio Trust, the San Francisco Unified School District, the San Francisco Community College District, the San Francisco Transportation Authority, the San Francisco Housing Authority, the Treasure Island Development Authority, the San Francisco Redevelopment Authority and the University of California. To the extent not expressly prohibited by law, copies of all written communications with the above identified entities and any City employee, officer, agents, or and representative, shall be accessible as public records. To the extent not expressly prohibited by law, any meeting of the governing body of any such agency and institution at which City officers, agents or representatives are present in their official capacities shall be open to the public, and this provision cannot be waived by any City officer, agent or representative. The city shall give no subsidy in money, tax abatements, land, or services to any private entity unless that private entity agrees in writing to provide the city with financial projections (including profit and loss figures), and annual audited financial statements for the project

thereafter, for the project upon which the subsidy is based and all such projections and financial statements shall be public records that must be disclosed.

SEC. 67.33. Department Head Declaration.

All City department heads and all City management employees and all employees or officials who are required to sign an affidavit of financial interest with the Ethics Commission shall sign an annual affidavit or declaration stating under penalty of perjury that they have read the Sunshine Ordinance and have attended or will attend when next offered, a training session on the Sunshine Ordinance, to be held at least once annually. The affidavit or declarations shall be maintained by the Ethics Commission and shall be available as a public record. Annual training shall be provided by the San Francisco City Attorney's Office with the assistance of the Sunshine Ordinance Task Force.

SEC. 67.34. Willful Failure Shall be Official Misconduct.

The willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct. Complaints involving allegations of willful violations of this ordinance, the Brown Act or the Public Records Act by elected officials or department heads of the City and County of San Francisco shall be handled by the Ethics Commission.

SEC. 67.35. Enforcement Provisions.

(a) Any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records under this Ordinance or to enforce his or her right to attend any meeting required under this Ordinance to be open, or to compel such meeting to be open.

(b) A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought to enforce this Ordinance.

(c) If a court finds that an action filed pursuant to this section is frivolous, the City and County may assert its rights to be paid its reasonable attorneys' fees and costs.

(d) Any person may institute proceedings for enforcement and penalties under this act in any court of competent jurisdiction or before the Ethics Commission if enforcement action is not taken by a city or state official 40 days after a complaint is filed.

SEC. 67.36. Sunshine Ordinance Supersedes other local laws.

The provisions of this Sunshine Ordinance supersede other local laws. Whenever a conflict in local law is identified, the requirement which would result in greater or more expedited public access to public information shall apply.

SEC. 67.37. ~~SEC. 67.32.~~ Severability.

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances.

—end of Chapter 67—

SECTION. 3. SEVERABILITY.

The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances.

SECTION. 4. EFFECTIVE DATE.

This ordinance shall become effective on January 1, 2000

APPENDIX 48: OCTAVIA BOULEVARD PLAN

Proposition I, Adopted November 2, 1999

Be it ordained by the People of the City and County of San Francisco.

Section 1. **Findings.**

(a) On November 3, 1998, the voters of San Francisco demonstrated their support for the Octavia Boulevard Plan for replacement of the Central Freeway by passing Proposition E, the Central Freeway Replacement Project Act of 1998, by more than 10,000 votes.

(b) Proposition E called for the City and County of San Francisco to authorize the California Department of Transportation (CalTrans) to replace the Central Freeway with an elevated structure from Mission Street to Market Street and a ground-level boulevard on Octavia Street, from Market Street to Fell Street (collectively, the "Central Freeway Replacement Project.")

(c) In March of 1999, the Board of Supervisors of the City and County of San Francisco established a Central Freeway Project Office to prepare design, engineering and environmental review documents necessary to build the Octavia Boulevard portion of the Central Freeway Replacement Project (the "Octavia Boulevard Plan").

(d) In July of 1999, members of the Board of Supervisors, sitting as the San Francisco County Transportation Authority ("Transportation Authority"), voted to accept the conceptual design and preliminary engineering of the Octavia Boulevard Plan.

(e) The replacement of the last four blocks of the Central Freeway with the Octavia Boulevard Plan will provide the City with significant benefits, including the opportunity to build more than 500 units of new housing, improved north-south access for vehicles traveling to and from the Central Freeway, and substantial revenue for transportation improvements on adjacent corridors.

(f) Construction of the Octavia Boulevard Plan will free up approximately three hundred and eighty thousand (380,000) square feet of land formerly occupied by that portion of Route 101 containing the elevated freeway structure north of Market Street and freeway ramps north of Fell Street (collectively, the "Excess Central Freeway Parcels").

(g) The Excess Central Freeway Parcels include prime residential, commercial and mixed use lots that could be used for housing, including much-needed permanently affordable housing. Proposition E specifically recognized that, in planning for the uses of the Excess Central Freeway Parcels, special consideration should be given to the need for affordable housing.

(h) The California Legislature is currently considering Senate Bill 798, which would require that the State transfer to the City at no cost the Excess Central Freeway Parcels, with the City to use the proceeds from the sale and/or disposition of those parcels for transportation improvements to Octavia Boulevard and along corridors leading to the Central Freeway, including but not limited to the Oak Street/ Fell Street corridor to the Sunset and Richmond neighborhoods, South of Market, the Mission corridor, the Upper Market corridor, and the Franklin/Gough corridor to the Marina. Senate Bill 798 is similar to Senate Bill 181, passed by the California Legislature in the wake of the removal of the Embarcadero Freeway, which transferred the unused Embarcadero Freeway right-of-way to the City and County of San Francisco so that the right-of-way, or proceeds from the sale thereof, could be used to create an alternate system of city streets.

(i) The Excess Central Freeway Parcels are estimated to have a market value of approximately thirty-three million dollars ($33,000,000), which is

well in excess of the amount needed to complete the Octavia Boulevard Plan. The sale and/or disposition of these parcels will provide the City with much needed revenue for other transportation improvements.

(j) The San Francisco Department of City Planning has undertaken studies with the San Francisco Redevelopment Agency and the Hayes Valley neighborhood to determine appropriate land uses, housing types, densities, and design standards for the Excess Central Freeway Parcels, as summarized in the Hayes Valley Development Guidelines endorsed by the City Planning Commission in 1993. The San Francisco Department of City Planning is currently in the process of implementing a "Strategic Neighborhood Action Plan" pursuant to funding approved by the Board of Supervisors in the City's fiscal year 1999-2000 budget. The Strategic Neighborhood Action Plan will include the development and implementation of a community-based, public planning process to ensure the involvement and participation of the community in land use and transit planning. The proposed Strategic Neighborhood Action Plan would apply to the Upper Market/Hayes Valley Neighborhood, which includes the Excess Central Freeway Parcels.

(k) If a widened freeway structure is approved and the Board of Supervisors' ban on construction of new freeway ramps north of Fell Street is repealed, the City will not receive all of the substantial benefits of the Excess Central Freeway Parcels. A widened structure will preclude any affordable housing development between Market Street and Fell Street; and repealing the ban on construction of new ramps north of Fell Street will hold the parcels between Fell Street and Turk Street in limbo pending the outcome of years of engineering and environmental review. In either case, the City will not be able to construct much-needed housing in this area or sell the land and use the proceeds for other transportation improvements for the foreseeable future.

Section 2. **Title.**

This ordinance shall be known as and may be referred to as "The Central Freeway Corridor Housing and Transportation Improvement Act."

Section 3. **Transportation Improvements Funded by Proceeds from the Disposition of the Excess Central Freeway Parcels.**

(a) Consistent with SB 798 and Article XIX of the California Constitution, the City shall first use any proceeds from the sale and/or disposition of Excess Central Freeway Parcels transferred by CalTrans to the City for design, engineering, construction and maintenance of the Octavia Boulevard Plan as finally adopted by the San Francisco Board of Supervisors, sitting as the Transportation Authority.

(b) The City shall utilize any remaining proceeds from the sale and/or disposition of the Excess Central Freeway Parcels for transportation improvements to corridors on or ancillary to Octavia Boulevard, including but not limited to the Oak Street/ Fell Street corridor to the Sunset and Richmond neighborhoods, South of Market, the Mission corridor, the Upper Market corridor, and the Franklin/Gough corridor to the marina.

(c) The Transportation Authority shall allocate remaining revenue from the sale and/or disposition of Excess Central Freeway Parcels for transportation improvements to corridors on or ancillary to Octavia Boulevard, with advice from its Central Freeway Citizens Advisory Committee and its Technical Working Group, which includes the Municipal Railway, the Department of Parking and Traffic, the Department of Public Works, the City Planning Department, the San Francisco Redevelopment Agency and regional transit operators. Such revenue shall be allocated to transportation projects on a competitive basis, according to the following minimum criteria: (1) conformance with the priorities expressed in the San Francisco Long Range Countywide Transportation Plan (as finally approved by the Transportation Authority in April, 2000); (2) improved transit and traffic flow and pedestrian safety on corridors leading to and from the Central Freeway; (3) cost-effectiveness; and (4) project eligibility under SB 798 and Article XIX of the California Constitution.

Section 4. **Construction of Housing on Excess Central Freeway Parcels and Neighborhood Planning Process.**

(a) It is the express intent of the voters that

housing, mixed use and/or complimentary [sic] developments be constructed on the Excess Central Freeway Parcels. To that end, no competing transportation use, such as the widening of the elevated freeway structure between Market Street and Fell Street, shall prevail. Nothing herein shall be construed to prohibit public transit or alternative transportation use consistent with the Hayes Valley Development Guidelines and the Octavia Boulevard Plan.

(b) The City shall utilize a community-based public planning process, involving representatives from the Hayes Valley and Western Addition neighborhoods, the City Planning Department, the Redevelopment Agency, the Mayor's Office of Housing and the Transportation Authority's Technical Working Group, to determine the mix and type of land uses for the Excess Central Freeway Parcels. Such uses shall include the construction of affordable rental and/or ownership housing on such parcels and shall be consistent with the Octavia Boulevard Plan and related transportation improvements.

(c) The recommendations from this community-based planning process shall be presented to the City Planning Commission and the Redevelopment Commission (as appropriate) for incorporation into the Hayes Valley Development Guidelines to ensure that the future development of the Excess Central Freeway Parcels will reflect the outcome of the planning process.

Section 5. **Severability.**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application. To this end, the provisions of this ordinance shall be deemed severable.

APPENDIX 49: CAMPAIGN EXPENDITURE LIMIT

Proposition K, Adopted November 2, 1999

[District Election Expenditure limits]

AMENDING THE CAMPAIGN FINANCE REFORM ORDINANCE, SAN FRANCISCO ADMINISTRATIVE CODE, ARTICLE XII, SECTIONS 16.503, 16.510-4 AND 16.510-5, TO ESTABLISH VOLUNTARY SPENDING CAPS FOR CANDIDATES FOR THE BOARD OF SUPERVISORS, THE SPENDING CAP FOR THE GENERAL ELECTION WOULD BE $75,000, AND THE SPENDING CAP FOR THE RUN-OFF ELECTION WOULD BE $20,000.

Note: Additions are underlined; deletions are indicated by ~~strike through~~;

Be it ordained by the People of the City and County of San Francisco:

SEC. 16.503. DEFINITIONS.

Whenever in this Article the following words or phrases are used, they shall mean:

(a) "Candidate" shall mean any individual listed on the ballot for election to any City and County elective office or who otherwise has taken affirmative action to seek nomination or election to such office.

(b) "Charitable organization" shall mean an entity exempt from taxation pursuant to Title 26, Section 501 of the United State Code.

(c) "Committee" shall mean any person acting, or any combination of two or more persons acting jointly, in behalf of or in opposition to a candidate or to the qualification for the ballot or adoption of one or more measures.

(d) "Contribution" shall be defined as set forth in Government Code of the State of California (commencing at Section 81000); provided, however, that "contribution" shall include loans of any kind or nature.

(e) "Election" shall mean any primary, general or runoff municipal election held in the City and County of San Francisco for City elective office. With respect to the offices of Public Defender and Assessor, primary and general elections are separate elections for purposes of this ordinance. The primary election period for these offices shall extend from January 1 of the first year of an election cycle up to and including the date of the primary election, and the general election period for these offices shall extend from the day following the primary election up to and including December 31 of the fourth year of the election cycle. With respect to the offices of Mayor, City Attorney, District Attorney, Sheriff, ~~and~~ Treasurer and Supervisor, general and runoff elections are separate elections for the purposes of this ordinance. The general election period shall extend from January 1 of the first year of an election cycle up to and including the date of the general election, and the runoff election period shall extend from the date of the general election up to and including December 31 of the fourth year of the election cycle.

(f) "Enforcement authority" shall mean the District Attorney of the City and County of San Francisco for criminal enforcement and the City Attorney for civil enforcement. Nothing in this Article shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this Article under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

(g) "Measure" shall mean any City and County

Charter amendment or other election, whether by initiative, referendum or recall procedure or otherwise, or circulated for purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.

(h) "Person" shall mean any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized.

(i) "Controlled Committee" shall mean a controlled committee, as defined in California Government Code Section 82106, of an elected City and County officer or candidate for such office, that is primarily formed or exists to support or oppose one or more proposed City and County charter amendments, ordinances, bond measures, resolutions, referendums or declarations of policy that have qualified for submission to the electorate, or regarding which a notice of intention to circulate a petition has been filed with the Registrar of Voters, or regarding which a motion has been introduced at the Board of Supervisors to have such a proposed measure submitted to the voters.

(j) "City elective office" shall include and be limited to the offices of Mayor, Member of the Board of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender, Member of the Board of Education of the San Francisco Unified School District and Member of the Governing Board of the San Francisco Community College District.

(k) "Election cycle" shall mean a four-year period preceding a term of office as defined by the San Francisco Charter, beginning on January 1, and ending on December 31 of the fourth year thereafter.

(l) "Qualified campaign expenditure" for candidates includes all of the following:

(1) Any expenditure made by a candidate, officeholder or committee controlled by the candidate or officeholder, for the purpose of influencing or attempting to influence the actions of the voters for or against the election of any candidate for City elective office;

(2) A nonmonetary contribution provided to the candidate, officeholder or committee controlled by the candidate or officeholder;

(3) That portion of the total cost of a slate mailing or mailing of other campaign literature produced or authorized by more than one candidate which is the cost actually paid or incurred by the committee or controlled committee of the candidate.

SEC. 16.510-4. AMOUNT OF EXPENDITURE CEILINGS.

(a) In primary elections, any candidate for Assessor or Public Defender who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $175,000. In general elections, any candidate for Assessor or Public Defender who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding $100,000.

(b) In general elections, any candidate for Mayor who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $600,000. In run-off elections, any candidate for Mayor who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding $400,000.

(c) In general elections, any candidate for City Attorney, District Attorney, Treasurer or Sheriff who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $175,000. In run-off elections, any candidate for City Attorney, District Attorney, Treasurer or Sheriff who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding $100,000.

(d) In general elections, any candidate for the Board of Supervisors who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $75,000. In run-off elections, any candidate for the Board of Supervisors who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding $20,000. ~~Any candidate for the Board of Supervisors who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $250,000.~~

(e) Any candidate for the Board of Education of the San Francisco Unified School District or the Governing Board of the San Francisco Community

College District who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $75,000.

(f) The Ethics Commission is authorized to adjust annually the expenditure ceilings imposed by this Section to reflect the change in the California Consumer Price Index for that year.

SEC. 16.510-5. TIME PERIODS FOR EXPENDITURES.

(a) For purposes of the expenditure ceilings for the offices of Assessor and Public Defender, qualified campaign expenditures made at any time on or before the date of the primary shall be considered primary election expenditures, and qualified expenditures made after date of the primary election shall be considered general election expenditures. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign expenditures for the time period in which they are used. Payments for goods or services used during both time periods shall be prorated.

(b) For purposes of the expenditure ceilings for the offices of City Attorney, District Attorney, Treasurer, ~~and~~ Sheriff and Supervisor, qualified campaign expenditures made at any time before the general election shall be considered general election expenditures, and qualified expenditures made after the general election shall be considered run-off election expenditures. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign expenditures for the time period in which they are used. Payments for goods or services used during both time periods shall be prorated.

APPENDIX 50: LANDLORD/RENTERS COSTS

Proposition H, Adopted, November 7, 2000

Be it ordained by the People of the City and County of San Francisco:

***Editor's note:** A permanent injunction was issued by the San Francisco Superior Court on August 10, 2001 preventing implementation or enforcement of Proposition H with the exception of Sections 37.3(a)(6) and 37.3(b)(2) which were not challenged. Proposition H is provided here as reference only.*

SECTION ONE: INITIATIVE ORDINANCE
Sec. 37.2 Definitions.

(a) Base Rent.

(1) That rent which is charged a tenant upon initial occupancy plus any rent increase allowable and imposed under this chapter; provided, however, that base rent shall not include increases imposed pursuant to Section 37.7 below or utility passthroughs or general obligation bond passthroughs pursuant to Section 37.2(o) below. Base rent for tenants of RAP rental units in areas designated on or after July 1, 1977 shall be that rent which was established pursuant to Section 32.73-1 of the San Francisco Administrative Code. Rent increases attributable to the Chief Administrative Officer's amortization of a RAP loan in an area designated on or after July 1, 1977 shall not be included in the base rent.

(2) From and after the effective date of this ordinance, the base rent for tenants occupying rental units which have received certain tenant-based or project-based rental assistance shall be as follows:

(a) With respect to tenant-based rental assistance:

(i) For any tenant receiving tenant-based rental assistance as of the effective date of this Ordinance (except where the rent payable by the tenant is a fixed percentage of the tenant's income, such as in the Section 8 certificate program and the rental subsidy program for the HOPWA program), and continuing to receive tenant-based rental assistance following the effective date of this Ordinance, the base rent for each unit occupied by such a tenant shall be the rent payable for that unit under the housing assistance payments contract, as amended, between the San Francisco Housing Authority and the landlord (the "HAP Contract") with respect to that unit immediately prior to the effective date of this ordinance (the "HAP Contract Rent").

(ii) For any tenant receiving tenant-based rental assistance (except where the rent payable by the tenant is a fixed percentage of the tenant's income, such as in the Section 8 certificate program and the rental subsidy program for the HOPWA program), and commencing occupancy of a rental unit following the effective date of this Ordinance, the base rent for each unit occupied by such a tenant shall be the HAP Contract Rent in effect as of the date the tenant commences occupancy of such unit.

(iii) For any tenant whose tenant-based rental assistance terminates or expires, for whatever reason, following the effective date of this Ordinance, the base rent for each such unit following expiration or termination shall be the HAP Contract Rent in effect for that unit immediately prior to the expiration or termination of the tenant-based rental assistance.

(b) For any tenant occupying a unit upon the expiration or termination, for whatever reason, of a project-based HAP Contract under Section 8 of the United States Housing Act of 1937 (42 USC §1437f, as amended), the base rent for each such unit

following expiration or termination shall be the "contract rent" in effect for that unit immediately prior to the expiration or termination of the project-based HAP Contract.

(c) For any tenant occupying a unit upon the prepayment or expiration of any mortgage insured by the United States Department of Housing and Urban Development ("HUD"), including but not limited to mortgages provided under sections 221(d)(3), 221(d)(4) and 236 of the National Housing Act (12 USC §1715z-1), the base rent for each such unit shall be the "basic rental charge" (described in 12 USC 1715z-1(f), or successor legislation) in effect for that unit immediately prior to the prepayment of the mortgage, which charge excludes the "interest reduction payment" attributable to that unit prior to the mortgage prepayment or expiration.

(b) Board. The Residential Rent Stabilization and Arbitration Board.

(c) Capital Improvements. Those improvements which materially add to the value of the property and appreciably prolong its useful life~~, or adapt it to new uses, and which may be amortized over the useful life of the improvement of the building~~.

(d) CPI. Consumer Price Index for all Urban Consumers for the San Francisco-Oakland Metropolitan Area, U.S. Department of Labor.

(e) Energy Conservation Measures. Work Performed pursuant to the requirements of Article 12 of the San Francisco Housing Code.

(f) Administrative Law Judge. A person, designated by the board, who arbitrates and mediates rental increase disputes, and performs other duties as required pursuant to this Chapter 37.

(g) Housing Services. Services provided by the landlord connected with the use or occupancy of a rental unit including, but not limited to: repairs; replacement; maintenance; painting; light; heat; water; elevator service; laundry facilities and privileges; janitor service; refuse removal; furnishings; telephone; parking; rights permitted the tenant by agreement, including the right to have a specific number of occupants, whether express or implied, and whether or not the agreement prohibits subletting and/or assignment; and any other benefits, privileges or facilities.

(h) Landlord. An owner, lessor, sublessor, who receives or is entitled to receive rent for the use and occupancy of any residential rental unit or portion thereof in the City and County of San Francisco, and the agent, representative or successor of any of the foregoing.

(i) Member. A member of the Residential Rent Stabilization and Arbitration Board.

(j) Over FMR Tenancy Program. A regular certificate tenancy program whereby the base rent, together with a utility allowance in an amount determined by HUD, exceeds the fair market rent limitation for a particular unit size as determined by HUD.

(k) Payment standard. An amount determined by the San Francisco Housing Authority that is used to determine the amount of assistance paid by the San Francisco Housing Authority on behalf of a tenant under the Section 8 Voucher Program (24 CFR Part 887).

(l) Rap. Residential Rehabilitation Loan Program (Chapter 32, San Francisco Administrative Code).

(m) RAP Rental Units. Residential dwelling units subject to RAP loans pursuant to Chapter 32, San Francisco Administrative Code.

(n) Real Estate Department. A city department in the City and County of San Francisco.

(o) Rehabilitation Work. Any rehabilitation or repair work done by the landlord with regard to a rental unit, or to the common areas of the structure containing the rental unit, which work was done in order to be in compliance with State or local law, or was done to repair damage resulting from fire, earthquake or other casualty or natural disaster.

(p) Rent. The consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of a rental unit, or the assignment of a lease for such a unit, including but not limited to monies demanded or paid for parking, furnishings, food service, housing services of any kind, or subletting.

(q) Rent Increases. Any additional monies demanded or paid for rent as defined in item (p) above, or any reduction in housing services without a

corresponding reduction in the monies demanded or paid for rent; provided, however, that where the landlord has been paying the tenant's utilities and cost of those utilities increase, the landlord's passing through to the tenant of such increased costs does not constitute a rent increase; and (2) where there has been a change in the landlord's property tax attributable to a ballot measure approved by the voters between November 1, 1996, and November 30, 1998, the landlord's passing through of such increased costs in accordance with this Chapter does not constitute a rent increase.

(r) Rental Units. All residential dwelling units in the City and County of San Francisco together with the land and appurtenant buildings thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. The term shall not include:

(1) housing accommodations in hotels, motels, inns, tourist houses, rooming and boarding houses, provided that at such time as an accommodation has been occupied by a tenant for thirty-two (32) continuous days or more, such accommodation shall become a rental unit subject to the provisions of this chapter; provided further, no landlord shall bring an action to recover possession of such unit in order to avoid having the unit come within the provisions of this chapter. An eviction for a purpose not permitted under Sec. 37.9(a) shall be deemed to be an action to recover possession in order to avoid having a unit come within the provisions of this chapter;

(2) dwelling units in non-profit cooperatives owned, occupied and controlled by a majority of the residents or dwelling units solely owned by a non-profit public benefit corporation governed by a board of directors the majority of which are residents of the dwelling units and where it is required in the corporate by-laws that rent increases be approved by a majority of the residents;

(3) housing accommodations in any hospital, convent, monastery, extended care facility, asylum, residential care or adult day health care facility for the elderly which must be operated pursuant to a license issued by the California Department of Social Services, as required by California Health and Safety Chapters 3, 2 and 3.3, or in dormitories owned and operated by an institution of higher education, a high school, or an elementary school;

(4) except as provided in Subsections (A) and (B), dwelling units whose rents are controlled or regulated by any government unit, agency or authority, excepting those unsubsidized and/or unassisted units which are insured by the United States Department of Housing and Urban Development; provided, however, that units in unreinforced masonry buildings which have undergone seismic strengthening in accordance with Building Code Chapters 14 and 15 shall remain subject to the Rent Ordinance to the extent that the Ordinance is not in conflict with the seismic strengthening bond program or with the program's loan agreements or with any regulations promulgated thereunder;

(A) For purposes of sections 37.2, 37.3(a)(9)(A), 37.4, 37.5, 37.6. 37.9, 37.9A, 37.10A, 37.11A and 37.13, and the arbitration provisions of sections 37.8 and 37.8A applicable only to the provisions of section 37.3(a)(9)(A), the term "rental units" shall include units occupied by recipients of tenant-based rental assistance where the tenant-based rental assistance program does not establish the tenant's share of base rent as a fixed percentage of a tenant's income, such as in the Section 8 voucher program and the "Over-FMR Tenancy" program defined in 24 CFR §982.4;

(B) for purposes of sections 37.2, 37.3(a)(9)(B), 37.4, 37.5, 37.6, 37.9, 37.9A, 37.10A, 37.11A and 37.13, the term "rental units" shall include units occupied by recipients of tenant-based rental assistance where the rent payable by the tenant under the tenant-based rental assistance program is a fixed percentage of the tenant's income; such as in the Section 8 certificate program and the rental subsidy program for the Housing Opportunities for persons with AIDS ("HOPWA") program (42 U.S.C. §12901 et seq., as amended).

(5) rental units located in a structure for which a certificate of occupancy was first issued after the effective date of this ordinance, except as provided in Section 37.9A(b) of this chapter.

(6) dwelling units in a building which has

undergone substantial rehabilitation after the effective date of this ordinance; provided, however, that RAP rental units are not subject to this exemption.

(s) Substantial Rehabilitation. The renovation, alteration or remodeling of residential units of 50 or more years of age which have been condemned or which do not qualify for certificates of occupancy or which require substantial renovation in order to conform the building to contemporary standards for decent, safe and sanitary housing. Substantial rehabilitation may vary in degree from gutting and extensive reconstruction to extensive improvements that cure substantial deferred maintenance. Cosmetic improvements alone such as painting, decorating and minor repairs, or other work which can be performed safely without having the unit vacated do not qualify as substantial rehabilitation.

(t) Tenant. A person entitled by written or oral agreement, sub-tenancy approved by the landlord, or by sufferance, to occupy a residential dwelling unit to the exclusion of others.

(u) Tenant-based Rental Assistance. Rental assistance provided directly to a tenant or directly to a landlord on behalf of a particular tenant, which includes but shall not be limited to certificates and vouchers issued pursuant to Section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. §1437f) and the HOPWA program.

(v) Utilities. The term "utilities" shall refer to gas and electricity exclusively.

Sec. 37.3 Rent Limitations.

(a) Rent Increase Limitations for Tenants in Occupancy. Landlords may impose rent increases upon tenants in occupancy only as provided below:

(1) Annual Rent Increase. On March 1 of each year, the Board shall publish the increase in the CPI for the preceding 12 months, as made available by the U.S. Department of Labor. A landlord may impose annually a rent increase which does not exceed a tenant's base rent by more than 60% of said published increase. In no event, however, shall the allowable annual increase be greater than 7%.

(2) Banking. A landlord who refrains from imposing an annual rent increase or any portion thereof may accumulate said increase and impose that amount on the tenant's subsequent rent increase anniversary dates. A landlord who, between April 1, 1982 and February 29, 1984, has banked an annual 7% rent increase (or rent increases) or any portion thereof may impose the accumulated increase on the tenant's subsequent rent increase anniversary dates.

(3) Capital Improvements, Rehabilitation, and Energy Conservation Measures. For any petitions filed after April 10, 2000 or pending petitions where no final decision has been issued by April 10, 2000, ~~A~~ a landlord may not impose rent increases based upon the cost of capital improvements, rehabilitation or energy conservation ,except as provided in this section. A landlord who has performed seismic strengthening in accordance with Building Code Chapters 14 and 15, may impose rent increases for seismic retrofit in an amount not to exceed 5% of the tenant's base rent in any twelve (12) month period.

(a) However, in no event shall denial of a rent increase for capital improvements, rehabilitation or energy conservation measures deny the landlord a constitutionally required fair return on the property under the maintenance of net operating income standard of fair return. In determining such return, the landlord's net operating income, exclusive of mortgage principle and interest, in the base year before enactment of rent control limitations shall be increased at the rate of 40% of the increase in the CPI since the base year.

(b) All rent increases for capital improvement, rehabilitation or energy conservation measures which were approved after April 10, 2000 and paid by the tenant, and were not for seismic retrofit, shall be refunded to the tenant no later than December 31, 2000. If the landlord fails to refund the excess rent by December 31, 2000, the tenant may deduct the amount of the refund from future rent payments, or bring a civil action under Section 37.11A, or exercise any other existing remedies. Where a rent increase included costs for seismic retrofit, the landlord or tenant may file a request to the Board to calculate the amount of the allowable rent increase. ~~provided that such costs are certified pursuant to Sections 37.7 and 37.8B below; provided further that where a landlord~~

~~has performed seismic strengthening in accordance with Building Code Chapters 14 and 15, no increase for capital improvements (including but not limited to seismic strengthening) shall exceed, in any twelve (12) month period, 10% of the tenant's base rent, subject to rules adopted by the Board to prevent landlord hardship and to permit landlords to continue to maintain their buildings in a decent, safe and sanitary condition. A landlord may accumulate any certified increase which exceeds this amount and impose the increase in subsequent years, subject to the10% limitation. Nothing in this subsection shall be construed to supersede any Board rules or regulations with respect to limitations on increases based upon capital improvements whether performed separately or in conjunction with seismic strengthening improvements pursuant to Building Code Chapters 14 and 15~~.

(4) Utilities. A landlord may impose increases based upon the cost of utilities as provided in Section 37.2(o) above.

(5) Charges Related to Excess Water Use. A landlord may impose increases not to exceed fifty percent of the excess use charges (penalties) levied by the San Francisco Water Department on a building for use of water in excess of Water Department allocations under the following conditions:

(A) The landlord provides tenants with written certification that the following have been installed in all units: (1) permanently-installed retrofit devices designed to reduce the amount of water used per flush or low-flow toilets (1.6 gallons per flush); (2) low-flow showerheads which allow a flow of no more than 2.5 gallons per minute; and (3) faucet aerators (where installation on current faucets is physically feasible); and

(B) The landlord provides the tenants with written certification that no known plumbing leaks currently exist in the building and that any leaks reported by tenants in the future will be promptly repaired; and

(C) The landlord provides the tenants with a copy of the water bill for the period in which the penalty was charged. Only penalties billed for a service period which begins after the effective date of the ordinance [April 20, 1991] may be passed through to tenants. Where penalties result from an allocation which does not reflect documented changes in occupancy which occurred after March 1, 1991, a landlord must, if requested in writing by a tenant, make a good faith effort to appeal the allotment. Increases based upon penalties shall be pro-rated on a per room basis provided that the tenancy existed during the time the penalty charges accrued. Such charges shall not become part of a tenant's base rent. Where a penalty in any given billing period reflects a 25% or more increase in consumption over the prior billing period, and where that increase does not appear to result from increased occupancy or any other known use, a landlord may not impose any increase based upon such penalty unless inspection by a licensed plumber or Water Department inspector fails to reveal a plumbing or other leak. If the inspection does reveal a leak, no increase based upon penalties may be imposed at any time for the period of the unrepaired leak.

(6) Property Tax. A landlord may impose increases based upon a change in the landlord's property tax resulting from the repayment of general obligation bonds of the City and County of San Francisco approved by the voters between November 1, 1996, and November 30, 1998 as provided in Section 37.2(o) above. Any rent increase for bonds approved after the effective date of this initiative ordinance must be disclosed and approved by the voters. The amount of such increase shall be determined for each tax year as follows:

(A) The Controller and the Board of Supervisors will determine the percentage of the property tax rate, if any, in each tax year attributable to general obligation bonds approved by the voters between November 1, 1996, and November 30, 1998, and repayable within such tax year.

(B) This percentage shall be multiplied by the total amount of the net taxable value for the applicable tax year. The result is the dollar amount of property taxes for that tax year for a particular property attributable to the repayment of general obligation bonds approved by the voters between November 1, 1996, and November 30, 1998.

(C) The dollar amount calculated under Subsection (B) shall be divided by the total number of all units in each property, including commercial units. That figure shall be divided by twelve months, to determine the monthly per unit costs for that tax year of the repayment of general obligation bonds approved by the voters between November 1, 1996, and November 30, 1998.

(D) Landlords may pass through to each unit in a particular property the dollar amount calculated under this Subsection (6). This passthrough may be imposed only on the tenant's anniversary date. This passthrough shall not become a part of a tenant's base rent. The amount of each annual passthrough imposed pursuant to this Subsection (6) may vary from year-to-year, depending on the amount calculated under Subsections (A) through (C). Each annual passthrough shall apply only for the twelve-month period after it is imposed. A landlord may impose the passthrough described in this Subsection (6) for a particular tax year only with respect to those tenants who were residents of a particular property on November 1 of the applicable tax year. A landlord shall not impose a passthrough pursuant to this Subsection (6) if the landlord has filed for or received Board approval for a rent increase under Section 37.8(e)(4) for increased operating and maintenance expenses in which the same increase in property taxes due to the repayment of general obligation bonds was included in the comparison year cost totals.

(E) The Board will have available a form which explains how to calculate the passthrough.

(F) Landlords must provide to tenants, at least thirty (30) days prior to the imposition of the passthrough permitted under this Subsection (6), a copy of the completed form described in Subsection (E). This completed form shall be provided in addition to the Notice of Rent Increase required under Section 37.3(b)(5). A tenant may petition for a hearing under the procedure described in Section 37.8 where the tenant alleges that a landlord has imposed a charge which exceeds the limitations set forth in this Subsection (6). In such a hearing, the burden of proof shall be on the landlord. Tenant petitions regarding this passthrough must be filed within one year of the effective date of the passthrough.

(G) The Board may amend its rules and regulations as necessary to implement this Subsection (6).

(7) RAP Loans. A landlord may impose rent increases attributable to the Chief Administrative Officer's amortization of the RAP loan in an area designated on or after July 1, 1977 pursuant to Chapter 32 of the San Francisco Administrative Code.

(8) Additional Increases. A landlord who seeks to impose any rent increase which exceeds those permitted above shall petition for a rental arbitration hearing pursuant to Section 37.8 of this chapter.

~~(9) A landlord may impose a rent increase to recover costs incurred for the remediation of lead hazards, as defined in San Francisco Health Code Article 26. Such increases may be based on changes in operating and maintenance expenses or for capital improvement expenditures as long as the costs which are the basis of the rent increase are a substantial portion of the work which abates or remediates a lead hazard, as defined in San Francisco Health Code Article 26, and provided further that such costs are approved for operating and maintenance expense increases pursuant to Section 37.8(e)(4)(A) and certified as capital improvements pursuant to Section 37.7 below.~~

~~When rent increases are authorized by this subsection (a)(8), the total rent increase for both operating and maintenance expenses and capital improvements shall not exceed 10% in any twelve (12) month period. If allowable rent increases due to the costs of lead remediation and abatement work exceed 10% in any 12 month period, an Administrative Law Judge shall apply a portion of such excess to approved operating and maintenance expenses for lead remediation work, and the balance, if any, to certified capital improvements, provided, however, that such increase shall not exceed 10%. A landlord may accumulate any approved or certified increase which exceeds this amount, subject to the 10% limit.~~

(10) With respect to units occupied by recipients of tenant-based rental assistance:

(A) If the tenant's share of the base rent is not calculated as a fixed percentage of the tenant's income, such as in the Section 8 voucher program and the Over-FMR Tenancy Program, then:

(i) If the base rent is equal to or greater than the Payment Standard, the rent increase limitations in Sections 37.3(a)(1) and (2) shall apply to the entire base rent, and the arbitration procedures for those increases set forth in section 37.8 and 37.8A shall apply.

(ii) If the base rent is less than the Payment Standard, the rent increase limitations of this Chapter shall not apply; provided, however, that any rent increase which would result in the base rent being equal to or greater than the Payment Standard shall not result in a new base rent that exceeds the Payment Standard plus the increase allowable under Section 37.3(a)(1).

(B) If the tenant's share of the base rent is calculated as a fixed percentage of the tenant's income, such as in the Section 8 certificate program and the rental subsidy program for the HOPWA program, the rent increase limitations in Section 37.3(a)(1) and (2) shall not apply. In such circumstances, adjustments in rent shall be made solely according to the requirements of the tenant-based rental assistance program.

(b) Notice of Rent Increase for Tenants in Occupancy. On or before the date upon which a landlord gives a tenant legal notice of a rent increase, the landlord shall inform the tenant, in writing, of the following:

(1) Which portion of the rent increase reflects the annual increase, and/or a banked amount, if any;

(2) Which portion of the rent increase reflects costs for increased operating and maintenance expenses, rents for comparable units, and/or capital improvements, rehabilitation, or energy conservation measures, certified pursuant to Section 37.7; Any rent increase certified due to increases in operating and maintenance costs shall not exceed seven percent.

(3) Which portion of the rent increase reflects the passthrough of charges for gas and electricity, or bond measure costs described in Section 37.3(a)(6) above, which charges shall be explained in writing on a form provided by the Board as described in Section 37.3(a)(6)(E);

(4) Which portion of the rent increase reflects the amortization of the RAP loan, as described in Section 37.3(a)(7) above.

(5) Nonconforming Rent Increases. Any rent increase which does not conform with the provisions of this section shall be null and void.

(6) With respect to rental units occupied by recipients of tenant-based rental assistance, the notice requirements of this Subsection (b) shall be required in addition to any notice required as part of the tenant-based rental assistance program.

(c) Initial Rent Limitation for Subtenants. A tenant who subleases his or her rental unit may charge no more rent upon initial occupancy of the subtenant or subtenants than that rent which the tenant is currently paying to the landlord.

(d) Effect of Deferred Maintenance on Passthroughs for Lead Remediation Techniques.

(1) When lead hazards, which have been remediated or abated pursuant to San Francisco Health Code Article 26 are also violations of state or local housing health and safety laws, the costs of such work shall not be passed through to tenants ~~as either a capital improvement or~~ an operating and maintenance expense if the Administrative Law Judge finds that the deferred maintenance, as defined herein, of the current or previous landlord caused or contributed to the existence of the violation of law.

(2) In any unit occupied by a lead poisoned child and in which there exists a lead hazard, as defined in San Francisco Health Code Article 26, there shall be a rebuttable presumption that violations of state or local housing health and safety laws caused or created by deferred maintenance, caused or contributed to the presence of the lead hazards. If the landlord fails to rebut the presumption, that portion of the petition seeking a rent increase for the costs of lead hazard remediation or abatement shall be denied. If the presumption is rebutted, the landlord shall be entitled to a rent increase if otherwise justified by the standards set forth in the Chapter.

(3) For purposes of the evaluation of petitions

for rent increases for lead remediation work, maintenance is deferred if a reasonable landlord under the circumstances would have performed, on a regular basis, the maintenance work required to keep the premises from being in violation of housing safety and habitability standards set forth in California Civil Code Section 1941 and the San Francisco Municipal Code. In order to prevail on a deferred maintenance defense, a tenant must show that the level of repair or remediation currently required would have been lessened had maintenance been performed in a more timely manner.

Sec. 37.7 Certification of Rental Increases for Capital Improvements, Rehabilitation and Energy Conservation Measures. Seismic Retrofit

(a) Authority. In accordance with such guidelines as the Board shall establish, the Board and designated Administrative Law Judges shall have the authority to conduct hearings in order to certify rental increases to the extent necessary to amortize the cost of ~~capital improvements, rehabilitation, and energy conservation measures~~ seismic retrofit. Costs determined to be attributable to such work shall be amortized over a period of 20 years and shall not exceed 5% of the tenant's base rent in any 12 month period ~~which is fair and reasonable for the type and the extent of the work and which will provide an incentive to landlords to maintain, improve and renovate their properties while at the same time protecting tenants from excessive rent increases~~. Costs attributable to routine repair and maintenance shall not be certified.

(b) Requirements for Certification. The Board and designated Administrative Law Judges may only certify the costs of ~~capital improvements, rehabilitation, and energy conservation measures~~ seismic retrofit where the following criteria are met:

(1) The landlord completed capital ~~improvements or rehabilitation~~ seismic retrofit on or after April 15, 1979, ~~or the landlord completed installation of energy conservation measures on or after July 24, 1982 and has filed a proof of compliance with the Bureau of Building Inspection in accordance with the requirements of Section 1207(d) of the Housing Code;~~

(2) The landlord has not yet increased the rent or rents to reflect the cost of said work;

(3) The landlord has not been compensated for the work by insurance proceeds;

(4) The building is not subject to a RAP loan in a RAP area designated prior to July 1, 1977.

(5) The landlord who paid for the seismic retrofit files the certification petition no later than five (5) years after the work has been completed.

(c) Amortization and Cost Allocation. The Board shall establish amortization periods and cost allocation formulas. Costs shall

(d) Estimator. The Board or its Executive Director may hire an estimator where an expert appraisal is required.

(e) Filing Fee: The Board shall establish a filing fee based upon the cost of the ~~capital improvement, rehabilitation, or energy conservation measures~~ seismic retrofit being reviewed. Such fees will pay for the costs of an estimator. These fees shall be deposited in the Residential Rent Stabilization and Arbitration Fund pursuant to Section 10.117-88 of this code.

(f) Application Procedure:

(1) Filing. Landlords who seek to pass through the costs of ~~capital improvements, rehabilitation, or energy conservation measures~~ seismic retrofit must file an application on a form prescribed by the board. The application shall be accompanied by such supporting materials as the Board shall prescribe. All applications must be submitted with the filing fee established by the board.

(2) Filing Date. Applications must be filed prior to the mailing or delivery of legal notice of a rent increase to the tenants of units for which the landlord seeks certification and in no event more than five (5) years after the work has been completed.

(3) Effect of Filing Application. Upon the filing of the application, the requested increases will be inoperative until such time as the Administrative Law Judge makes findings of fact at the conclusion of the certification hearing.

(4) Notice to Parties. The Board shall calendar the application for hearing before a designated Administrative Law Judge and shall give written notice of the date to the parties at least 10 days prior to the hearing.

(g) Certification Hearings.

(1) Time of Hearing. The hearing shall be held within 45 days of the filing of the application.

(2) Consolidation. To the greatest extent possible, certification hearings with respect to a given building shall be consolidated. Where a landlord and/or tenant has filed a petition for hearing based upon the grounds and under the procedure set forth in Section 37.8, the Board may, in its discretion, consolidate certification hearings with hearings on Section 37.8 petitions.

(3) Conduct of Hearing. The hearing shall be conducted by an Administrative Law Judge designated by the Board. Both parties may offer such documents, testimony, written declarations or other evidence as may be pertinent to the proceedings. Burden of proof is on the landlord. A record of the proceedings must be maintained for purposes of appeal.

(4) Determination of the Administrative Law Judge. In accordance with the Board's amortization schedules and cost allocation formulas, the Administrative Law Judge shall make findings as to whether or not the proposed rent increases are justified based upon the following considerations:

(A) The application and its supporting documentation;

(B) Evidence presented at the hearing establishing both the extent and the cost of the work performed;

(C) Estimator's report, where such report has been prepared; and

(D) Any other such relevant factors as the board shall specify in Rules and Regulations.

(5) Findings of Fact. The Administrative Law Judge shall make written findings of fact, copies of which shall be mailed within 30 days of the hearing.

(6) Payment or Refund of Rents to Implement Certification Decision. If the Administrative Law Judge finds that all or any portion of the heretofore inoperative rent increase is justified, the tenant shall be ordered to pay the landlord that amount. If the tenant has paid an amount to the landlord which the Administrative Law Judge finds unjustified, the Administrative Law Judge shall order the landlord to reimburse the tenant said amount.

(7) Finality of Administrative Law Judge's Decision. The decision of the Administrative Law Judge shall be final unless the Board vacates his or her decision on appeal.

(8) Appeals. Either party may file an appeal of the Administrative Law Judge's decision with the Board. Such appeals are governed by Section 37.8(f) below.

Sec. 37.8A Expedited Hearing Procedures.

As an alternative to the hearing procedures set forth in Sections 37.7(g) and 37.8(e) above, a landlord or tenant may, in certain cases, obtain an expedited hearing and final order with the written consent of all parties. This section contains the exclusive grounds and procedures for such hearings.

(a) Applicability. A tenant or landlord may seek an expedited hearing for the following petitions only:

(1) Any landlord capital improvement petition where the proposed increase for certified ~~capital improvement~~ seismic retrofit costs does not exceed ~~the greater of 10%~~ 5% ~~or $30.00 of a tenant's base rent~~ and the parties stipulate to the cost of the capital improvements seismic retrofit;

(2) Any tenant petition alleging decreased housing services with a past value not exceeding $1,000.00 as of the date the petition is filed;

(3) Any tenant petition alleging the landlord's failure to repair and maintain the premises as required by state or local law;

(4) Any tenant petition alleging unlawful rent increases where the parties stipulate to the tenant's rent history and the rent overpayments do not exceed a total of $1,000.00 as of the date the petition is filed;

(5) Any petition concerning jurisdictional questions where the parties stipulate to the relevant facts.

(b) Hearing Procedures. The petition application procedures of Sections 37.7(f) and Section 37.8(c) and (d) apply to petitions for expedited

hearings. The hearings shall be conducted according to the following procedures:

(1) Time of Hearing. The hearing must be held within twenty-one (21) days of the filing of the written consent of all the parties. The level of housing services provided to tenants' rental units shall not be decreased during the period between the filing of the petition and the conclusion of the hearing.

(2) Consolidation. To the greatest extent possible, and only with the consent of the parties, hearings with respect to a given building shall be consolidated.

(3) Conduct of Hearing. The hearing shall be conducted by an Administrative Law Judge designated by the Board. Both parties may offer such documents, testimony, written declarations or other evidence as may be pertinent to the proceedings. Stipulations of the parties as required under Sections 37.8A(b)(1), (b)(4) and (b)(5) shall be required as evidence. Burden of proof requirements set forth in Section 37.7 and 37.8 are applicable to the hearing categories in Section 37.8A(b) above. No record of the hearing shall be maintained for any purpose.

(4) Order of the Administrative Law Judge. Based upon all criteria set forth in Section 37.7(4) and 37.8(e)(4) governing the petition, the Administrative Law Judge shall make a written order no later than ten (10) days after the hearing. The Administrative Law Judge shall make no findings of fact. The Administrative Law Judge shall order payment or refund of amounts owing to a party or parties, if amounts are owed, within a period of time not to exceed forty-five (45) days.

(5) Stay of Order. The Administrative Law Judge's order shall be stayed for fifteen (15) days from the date of issuance. During this period, either party may lodge a written objection to the order with the Board. If the Board receives such objection within this period, the order is automatically dissolved and the petitioning party may refile the petition for hearing under any other appropriate hearing procedure set forth in this chapter.

(6) Finality of Administrative Law Judge's Order. If no objection to the Administrative Law Judge's order is made pursuant to Subsection (c)(5) above, the order become final. The order is not subject to appeal to the Board under Section 37.8(f) nor is it subject to judicial review pursuant to Section 37.8(f)(9).

SEC. 37.8B Expedited Hearing and Appeal Procedures for Capital Improvements Resulting From Seismic Work on Unreinforced Masonry Buildings Pursuant to Building Code Chapters 14 and 15 where Landlords Performed the Work with a UMB Bond Loan.

This section contains the exclusive procedures for all hearings concerning certification of the above-described capital improvements. Landlords who perform such work without a UMB bond loan are subject to the capital improvement certification procedures set forth in Section 37.7 above.

(a) Requirements for Certification. The landlord must have completed the capital improvements in compliance with the requirements of Building Code Chapters 14 and 15. The certification requirements of Section 37.7(b)(2) and (b)(3) are also applicable.

(b) Amortization and Cost Allocation; Interest. Costs shall be equally allocated to each unit and amortized over a ~~ten (10)~~ twenty (20) year period or the life of any loan acquired for the capital improvements, whichever is longer. Interest shall be limited to the actual interest rate charged on the loan and in no event shall exceed 10% per year.

(c) Eligible Items, Costs. Only those items required in order to comply with Building Code Chapters 14 and 15 may be certified. The allowable cost of such items may not exceed the costs set forth in the Mayor's Office of Economic Planning and Development's publication of estimated cost ranges for bolts plus retrofitting by building prototype and/or categories of eligible construction activities.

(d) Hearing Procedures. The application procedures of Sections 37.7(f) apply to petitions for these expedited capital improvement hearings; provided, however, that the landlord shall pay no filing fee since the Board will not hire an estimator. The hearings shall be conducted according to the following procedures:

(1) Time of Hearing; Consolidation; Conduct of Hearing. The hearing must be held within twenty-one (21) days of the filing of the application. The

consolidation and hearing conduct procedures of Section 37.7(g)(2) and (g)(3) apply.

(2) Determination of Administrative Law Judge. In accordance with the requirements of this section, the Administrative Law Judge shall make findings as to whether or not the proposed rent increases are justified based upon the following considerations:

(A) The application and its supporting documentation;

(B) Evidence presented at the hearing establishing both the extent and the cost of the work performed; and

(C) The Mayor's Office of Planning and Economic Development's bolts plus cost range publication; and

(D) Tenant objections that the work has not been completed; and

(E) Any other such relevant factors as the Board shall specify in rules and regulations.

(3) Findings of Fact; Effect of Decision. The Administrative Law Judge shall make written findings of fact, copies of which shall be mailed within twenty-one (21) days of the hearing. The decision of the Administrative Law Judge is final unless the Board vacates it on appeal.

(e) Appeals. Either party may appeal the Administrative Law Judge's decisions in accordance with the requirements of Section 37.8(f)(1),(f)(2) and (f)(3). The Board shall decide whether or not to accept an appeal within twenty-one (21) days.

(1) Time of Appeal Hearing; Notice to Parties; Record; Conduct of Hearing. The appeal procedures of Section 37.8 (f)(5), (f)(6), (f)(7), (f)(8) and (f)(9) apply; provided, however, that the Board's decision shall be rendered within twenty (20) days of the hearing.

(2) Rent Increases. A landlord may not impose any rent increases approved by the Board on appeal without at least sixty (60) days notice to the tenants.

SECTION TWO: SEVERABILITY

If any provision of clause of this initiative ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other initiative ordinance provisions, and clauses of this initiative ordinance are declared severable.

APPENDIX 51: TAXPAYER PROTECTION AMENDMENT OF 2000

Proposition J, Adopted, November 7, 2000

Amendment to San Francisco Administrative Code

Chapter 16 of the San Francisco Administrative Code shall be amended by the addition of the following Article:

ARTICLE XX. TAXPAYER PROTECTION

Section 16.990. Title

This Article shall be known as the City and County of San Francisco Taxpayer Protection Amendment of 2000.

Section 16.991. Findings and Declarations

(a) The people of the City and County of San Francisco ("City and County") find that the use or disposition of public assets is often tainted by conflicts of interest among local public officials entrusted with their management and control. Such assets, including publicly owned real property, land use decisions conferring substantial private benefits, conferral of a franchise without competition, public purchases, taxation, and financing, should be arranged strictly on the merits for the benefit of the public, and irrespective of the separate personal or financial interests of involved public officials.

(b) The people find that public decisions to sell or lease property, to confer cable, trash hauling and other franchises, to award public construction or service contracts, or to utilize or dispose of other public assets, and to grant special land use or taxation exceptions have often been made with the expectation of, and subsequent receipt of, private benefits from those so assisted to involved public 'decision makers'. The people further find that the sources of such corruptive influence include gifts and honoraria, future employment offers, and anticipated campaign contributions for public officials who are either elected or who later seek elective office. The trading of special favors or advantage in the management or disposal of public assets and in the making of major public purchases compromises the political process, undermines confidence in democratic institutions, deprives meritorious prospective private buyers, lessees, and sellers of fair opportunity, and deprives the public of its rightful enjoyment and effective use of public assets.

(c) Accordingly, the people declare that there is a compelling state interest in reducing the corruptive influence of emoluments, gifts, and prospective campaign contributions on the decisions of public officials in the management of public assets and franchises, and in the disposition of public funds. The people, who compensate public officials, expect and declare that as a condition of such public office, no gifts, promised employment, or campaign contributions shall be received from any substantial beneficiary of such a public decision for a reasonable period, as provided herein.

Section 16.992. Definitions

(a) As used herein, the term public benefit does not include public employment in the normal course of business for services rendered, but includes a contract, benefit, or arrangement between the City and County and any individual, corporation, firm, partnership, association, or other person or entity to:

(1) provide personal services of a value in excess of $50,000 over any 12 month period;

(2) sell or furnish any material, supplies or equipment to the City and County of a value in excess of $50,000 over any 12 month period;

(3) buy or sell any real property to or from the City and County with a value in excess of$50,000, or lease any real property to or from the City and County with a value in excess of $50,000 over any 12 month period;

(4) receive an award of a franchise to conduct any business activity in a territory in which no other competitor potentially is available to provide similar and competitive services, and for which gross revenue from the business activity exceeds $50,000 in any 12 month period;

(5) confer a land use variance, special use permit, or other exception to a pre-existing master plan or land use ordinance pertaining to real property where such decision has a value in excess of $50,000;

(6) confer a tax abatement, exception, or benefit not generally applicable of a value in excess of $5,000 in any 12 month period;

(7) receive cash or specie of a net value to the recipient in excess of $10,000 in any 12month period.

(b) Those persons or entities receiving public benefits as defined in Section 16.992(a)(l)—(7) shall include the individual, corporation, firm, partnership, association, or other person or entity so benefiting, and any individual or person who, during a period where such benefit is received or accrues,

(1) has more than a ten percent (10%) equity, participation, or revenue interest in that entity; or

(2) who is a trustee, director, partner, or officer of that entity.

(c) As used herein, the term personal or campaign advantage shall include:

(1) any gift, honoraria, emolument, or personal pecuniary benefit of a value in excess of$50;

(2) any employment for compensation;

(3) any campaign contributions for any elective office said official may pursue.

(d) As used herein, the term public official includes any elected or appointed public official acting in an official capacity.

Section 16.993. Prohibitions

(a) No City and County public official who has exercised discretion to approve and who has approved or voted to approve a public benefit as defined in Section 16.992(a) may receive a personal or campaign advantage as defined in Section 16.992(c) from a person as defined in Section 16.992(b) for a period beginning on the date the official approves or votes to approve the public benefit, and ending no later than

(1) two years after the expiration of the term of office that the official is serving at the time the official approves or votes to approve the public benefit;

(2) two years after the official's departure from his or her office whether or not there is a pre-established term of office; or

(3) six years from the date the official approves or votes to approve the public benefit; whichever is first.

(b) Section 16.993(a) shall also apply to the exercise of discretion of any such public official serving in his or her official capacity through a redevelopment agency, or any other public agency, whether within or without the territorial jurisdiction of the City and County either as a representative or appointee of the City and County.

Section 16.994. Responsibilities of City and County Public Officials and Advantage Recipients

(a) City and County public officials shall practice due diligence to ascertain whether or not a benefit defined under Section 16.952(a) has been conferred, and to monitor personal or campaign advantages enumerated under Section 16.992(c) so that any such qualifying advantage received is returned forthwith, and no later than ten days after its receipt.

(b) City and County public officials shall provide, upon inquiry by any person, the names of all entities and persons known to them who respectively qualify as public benefit recipients under the terms of Sections 16.992 and 16.993.

Section 16.995. Disclosure of the Law

The City and County shall provide any person, corporation, firm, partnership, association, or other person or entity applying or competing for any benefit enumerated in Section 16.992(a)with written notice of the provisions of this Article and the future limitations it imposes. Said notice shall be incorporated into

requests for 'proposal,' bid invitations, or other existing informational disclosure documents to persons engaged in prospective business with, from, or through the City and County.

Section 16.996. Penalties and Enforcement

(a) In addition to all other penalties which might apply, any knowing and willful violation of this Article by a public official constitutes a criminal misdemeanor offense.

(b) A civil action may be brought under this Article against a public official who receives a personal or campaign advantage in violation of Section 16.993. A finding of liability shall subject the public official to the following civil remedies:

(1) restitution of the personal or campaign advantage received, which shall accrue to the General Fund of the City and County;

(2) a civil penalty of up to five times the value of the personal or campaign advantage received;

(3) injunctive relief necessary to prevent present and future violations of this Article;

(4) disqualification from future public office or position within the jurisdiction, if violations are willful, egregious, or repeated.

(c) A civil action under subdivision (b) of this section may be brought by any resident of the City and County. In the event that such an action is brought by a resident of the City and County and the petitioner prevails, the respondent public official shall pay reasonable attorney's fees and costs to the prevailing petitioner. Civil penalties collected in such a prosecution shall accrue10% to the petitioner and 90% to the General Fund of the City and County.

(d) Any person who believes that the provisions of this Article have been violated may file a complaint with the Ethics Commission. Upon receipt of a complaint, or upon its own initiative, the Commission may investigate alleged violations of this Article and may enforce the provisions of this Article pursuant to Charter Section C3.699-13 and to the rules and regulations adopted pursuant to Charter Section 15.102.

Section 16.997. Effect of Article

The provisions of this Article are intended to supplement, and not to replace, any provisions of the San Francisco Charter and Administrative Code that relate to campaign finance, lobbying, conflicts of interest or governmental ethics.

Section 16.998. Severability

If any provision of this Article is held invalid, such invalidity or unconstitutionality shall not affect other provisions or applications which can be given effect without the invalidated provision, and to this end the provisions of this Article are severable.

APPENDIX 52: PUBLIC FINANCING FOR SUPERVISORIAL ELECTION CAMPAIGNS

Proposition O, Adopted, November 7, 2000

AMENDING THE SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE, ARTICLE 1, CHAPTER 1, TO ESTABLISH NEW CONTRIBUTION LIMITS AND PROVIDE PUBLIC FINANCING FOR SUPERVISORIAL ELECTION CAMPAIGNS.

Note: Additions are underlined. Deletions are in ~~strikethrough~~ text.

Be it ordained by the People of the City and County of San Francisco:

Section 1.

The San Francisco Campaign and Governmental Conduct Code is hereby amended by amending Article 1, Chapter 1 to read as follows:

CHAPTER I: CAMPAIGN FINANCE

SEC. 1.100. PURPOSE AND INTENT.

(a) Huge sums of moneys often are necessary to finance American election campaigns. Inherent to the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. In addition, this fundraising distracts public officials seeking reelection from focusing upon important public matters, encourages contributions which may have a corrupting influence, and gives incumbents an unfair fundraising advantage over potential challengers. These developments undermine the integrity of the governmental process, the competitiveness of campaigns and public confidence in local officials.

(b) It is the purpose and intent of the People ~~Board of Supervisors~~ of the City and County of San Francisco in enacting this Chapter to (1) place realistic and enforceable limits on the amount individuals may contribute to political campaigns in municipal elections and to provide full and fair enforcement of all the provisions in this Chapter; (2) ensure that all individuals and interest groups in our city have a fair opportunity to participate in elective and governmental processes; (3) create an incentive to limit overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign war chests for defensive purposes beyond the amount necessary to communicate reasonably with voters; (4) reduce the advantage of incumbents and thus encourage competition for elective office; (5) allow candidates and officeholders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents' community; (6) ensure that serious candidates are able to raise enough money to communicate their views and positions

adequately to the public, thereby promoting public discussion of the important issues involved in political campaigns, (7) limit contributions to candidates and committees, including committees that make independent expenditures, to eliminate or reduce the appearance or reality that large contributors may exert undue influence over elected officials; and (8) help restore public trust in governmental and electoral institutions.

(c) This Chapter is enacted in accordance with the terms of Sections 5 and 7 of Article XI of the Constitution of the State of California and Section 1.101 of the Charter of the City and County of San Francisco.

SEC. 1.102. CITATION.

This Chapter may be cited as the San Francisco Campaign Finance Reform Ordinance.

SEC. 1.104. DEFINITIONS.

Whenever in this Chapter the following words or phrases are used, they shall mean:

(a) "Candidate" shall mean any individual listed on the ballot for election to any City and County elective office or who otherwise has taken affirmative action to seek nomination or election to such office. The term "candidate" shall also mean the candidate's campaign committee.

(b) "Charitable organization" shall mean an entity exempt from taxation pursuant to Title 26, Section 501 of the United State Code.

(c) "City elective office" shall mean the offices of Mayor, Member of the Board of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender, Member of the Board of Education of the San Francisco Unified School District and Member of the Governing Board of the San Francisco Community College District.

(d) ~~(c)~~ "Committee" shall be defined as set forth in the Government Code of the State of California (commencing at Section 81000). ~~mean any person acting, or any combination of two or more persons acting jointly, in behalf of or in opposition to a candidate or to the qualification for the ballot or adoption of one or more measures.~~

(e) ~~(d)~~ "Contribution" shall be defined as set forth in Government Code of the State of California (commencing at Section 81000); provided, however, that "contribution" shall include loans of any kind or nature.

(f) ~~(e)~~ "Election" shall mean any primary, general or run-off municipal election held in the City and County of San Francisco for City elective office. With respect to the offices of Public Defender and Assessor, primary and general elections are separate elections for purposes of this ordinance. The primary election period for these offices shall extend from January 1 of the first year of an election cycle up to and including the date of the primary election, and the general election period for these offices shall extend from the day following the primary election up to and including December 31 of the fourth year of the election cycle. With respect to the offices of Mayor, City Attorney, District Attorney, Sheriff, Treasurer and Supervisor, general and run-off elections are separate elections for the purposes of this ordinance. The general election period shall extend from January 1 of the first year of an election cycle up to and including the date of the general election, and the run-off election period shall extend from the date of the general election up to and including December 31 of the fourth year of the election cycle.

(g) "Election cycle" shall mean a four-year period preceding a term of office as defined by the San Francisco Charter, beginning on January 1, and ending on December 31 of the fourth year thereafter.

(h) ~~(f)~~ "Enforcement authority" shall mean the District Attorney of the City and County of San Francisco for criminal enforcement and the City Attorney for civil enforcement. Nothing in this Chapter shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this Chapter under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

(i) "Ethics Commission" shall mean the San Francisco Ethics Commission.

(j) "Executive Director" shall mean the Executive Director of the Ethics Commission, or the Executive Director's designee.

(k) "Matching contribution" shall mean a contribution, other than a qualifying contribution, that is made by an individual who is a resident of San Francisco and that complies with all requirements of this Chapter.

(l) ~~(g)~~ "Measure" shall mean any City referendum, recall or ballot proposition, whether or not it qualifies for the ballot. ~~any City and County Charter amendment or other election, whether by initiative, referendum or recall procedure or otherwise, or circulated for purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.~~

(m) ~~(h)~~ "Person" shall mean any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized.

~~(i) "Controlled Committee" shall mean a controlled committee, as defined in California Government Code Section 82106, of an elected City and County officer or candidate for such office, that is primarily formed or exists to support or oppose one or more proposed City and County charter amendments, ordinances, bond measures, resolutions, referendums or declarations of policy that have qualified for submission to the electorate, or regarding which a notice of intention to circulate a petition has been filed with the Registrar of Voters, or regarding which a motion has been introduced at the Board of Supervisors to have such a proposed measure submitted to the voters.~~

~~(j) "City elective office" shall include and be limited to the offices of Mayor, Member of the Board of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender, Member of the Board of Education of the San Francisco Unified School District and Member of the Governing Board of the San Francisco Community College District.~~

~~(k) "Election cycle" shall mean a four-year period preceding a term of office as defined by the San Francisco Charter, beginning on January 1, and ending on December 31 of the fourth year thereafter.~~

(n) ~~(l)~~ "Qualified campaign expenditure" for candidates shall mean includes all of the following:

(1) Any expenditure made by a candidate, or by a committee controlled by the candidate, for the purpose of influencing or attempting to influence the actions of the voters for the election of the candidate to City elective office. ~~Any expenditure made by a candidate, officeholder or committee controlled by the candidate or officeholder, for the purpose of influencing or attempting to influence the actions of the voters for or against the election of any candidate for City elective office;~~

(2) A nonmonetary contribution provided to the candidate, officeholder or committee controlled by the candidate ~~or officeholder~~;

(3) The total cost actually paid or incurred by the candidate or controlled committee of the candidate for a slate mailing or other campaign literature produced or authorized by more than one candidate. ~~That portion of the total cost of a slate mailing or mailing of other campaign literature produced or authorized by more than one candidate which is the cost actually paid or incurred by the committee or controlled committee of the candidate.~~

(4) "Qualified campaign expenditure" shall not include expenses incurred in connection with an administrative or judicial proceeding, payments for administrative, civil or criminal fines, including late filing fines, or for inaugural activities or officeholder expenses.

(o) "Qualifying contribution" shall mean a contribution of not less than $10 and not more than $100 that is made by written instrument by an individual who is a resident of San Francisco and that complies with all requirements of this Chapter.

(p) "Surplus funds" shall mean unexpended funds held by a candidate after the date on which the candidate was either elected or not elected to City elective office.

SEC. 1.106. ADOPTION OF GENERAL LAW—EXCEPTIONS.

Except as otherwise provided in this Chapter, the provisions of Title 9 of Government Code of the State of California (commencing at Section 81000), including the penal provisions thereof, shall be applicable to any election held in the City and County of San Francisco.

SEC. 1.108. CAMPAIGN CONTRIBUTION TRUST ACCOUNT—ESTABLISHMENT.

Each committee ~~campaign~~ treasurer shall establish a campaign contribution trust account for the candidate or committee at an office of a bank located in the City and County of San Francisco, the account number and branch identification of which shall be filed with the Ethics Commission within 10 days of the establishment thereof. All of the expenditures by the candidate or conmittee for the City elective office sought shall be made from that account.

SEC. 1.110. CAMPAIGN STATEMENTS—PUBLIC ACCESS.

(a) ~~PUBLIC~~ INSPECTION AND COPYMAKING. Campaign statements are to be open for public inspection and reproduction at the office of the Ethics Commission during regular business hours and from 10:00 a.m. to 5:00 p.m. on the Saturday preceding an election.

(b) RETENTION. Every campaign statement required to be filed in accordance with Section 1.106 shall be preserved by the Ethics Commission for at least eight years from the date upon which it was required to be filed under the terms of this Chapter.

~~SEC. 1.112. CAMPAIGN STATEMENTS—RETENTION.~~

~~Every campaign statement required to be filed in accordance with Section 1.106 shall be preserved by the Ethics Commission for at least four years from the date upon which it was required to be filed under the terms of this Chapter.~~

SEC. 1.112. AMENDMENT OR REPEAL OF CHAPTER.

The voters may amend or repeal this Chapter. The Board of Supervisors may amend this Chapter if all of the following conditions are met:

(a) The amendment furthers the purposes of this Chapter;

(b) the [sic] Ethics Commission approves the proposed amendment in advance by at least a four-fifths vote of all its members;

(c) the [sic] proposed amendment is available for public review at least 30 days before the amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors; and

(d) the [sic] Board of Supervisors approves the proposed amendment by at least a two-thirds vote of all its members.

SEC. 1.114. CONTRIBUTION LIMITS. ~~CAMPAIGN CONTRIBUTIONS—LIMITATIONS.~~

~~(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to political committees supporting or opposing such candidate, to exceed $150.~~

(a) ~~(b)~~ LIMITS ON CONTRIBUTIONS TO CANDIDATES—PRIMARY AND GENERAL ELECTIONS.

(1) Per Candidate Limit. ~~For candidates who adopt the expenditure ceilings as defined in Section 1.128 of this Chapter, no~~ No person other than a candidate shall make, and no candidate campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person to ~~with respect to a single election in support of or opposition to~~ such candidate in the general election ~~including contributions to political committees supporting or opposing such candidate,~~ to exceed $500.

(2) Overall Limit. No person shall make any contribution which will cause the total amount contributed by such person to all candidates in the general election to exceed $500 multiplied by the number of City elective offices to be voted on at the general election.

(3) Definitions. With respect to the offices of Public Defender and Assessor, the limits imposed by this subsection apply only to the primary election. For purposes of this subsection, the Board of Supervisors shall be deemed to consist of eleven separate City elective offices, the San Francisco Community College District shall be deemed to consist of seven separate City elective offices, and the Board of Education of

the San Francisco Unified School District shall be deemed to consist of seven separate City elective offices.

(b) LIMITS ON CONTRIBUTIONS TO CANDIDATES—RUN-OFF ELECTIONS.

(1) Per Candidate Limit. No person other than a candidate shall make, and no candidate shall solicit or accept, any contribution which will cause the total amount contributed by such person to such candidate for the run-off election to exceed $250. The amount a person may contribute to a candidate in connection with a run-off election shall be controlled solely by the limits imposed by this subsection without regard to the amount said person contributed to the candidate in the general or primary election.

(2) Overall Limit. No person shall make any contribution which will cause the total amount contributed by such person to all candidates in a run-off election to exceed $250 multiplied by the number of City elective offices to be voted on at that run-off election.

(3) Definition. With respect to the offices of Public Defender and Assessor, the limit imposed by this subsection applies only to the general election. For purposes of this subsection, the Board of Supervisors shall be deemed to consist of eleven separate City elective offices, the San Francisco Community College District shall be deemed to consist of seven separate City elective offices, and the Board of Education of the San Francisco Unified School District shall be deemed to consist of seven separate City elective offices.

(c) LIMITS ON CONTRIBUTIONS TO COMMITTEES.

(1) Per Committee Limit. No person shall make, and no committee treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person to the committee to exceed $500 per calendar year.

(2) Overall Limit. No person shall make, and no committee treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person to all committees to exceed $3000 per calendar year.

(3) Definitions. For purposes of this subsection, "committee" shall mean any committee making expenditures to support or oppose a candidate, but shall not include candidates' campaign committees.

(d) CONTRIBUTOR INFORMATION REQUIRED. If the cumulative amount of contributions received from a contributor is $100 or more, the committee treasurer shall not deposit the contribution unless the committee treasurer has the following information: the contributor's full name; the contributor's address; the contributor's occupation; and the name of the contributor's employer or, if the contributor is self-employed, the name of the contributor's business.

(e) ~~(c)~~ FORFEITURE OF EXCESSIVE CONTRIBUTIONS. Each ~~committee campaign~~ treasurer who receives a contribution which exceeds the limits imposed by this Section or which does not comply with the requirements of this Section shall pay promptly, from available campaign funds, if any, the amount received in excess of the amount permitted by this Section to the City Treasurer for deposit in the General Fund of the City and County.

(f) ~~(d)~~ RETURN OF CONTRIBUTIONS. A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized, and in addition it is returned to the donor within 72 hours of receipt. In the case of a late contribution as defined in Government Code Section 82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt.

(g) ~~(e)~~ FAIRNESS DOCTRINE. This Section shall not apply to any in-kind contribution of television or radio airtime to any candidate or committee granted to said candidate or committee pursuant to the "Fairness Doctrine" articulated in Cullman Broadcasting, 40 FCC 576 (1963).

SEC. 1.116 LIMITS ON LOANS TO CANDIDATES.

No candidate for the Board of Supervisors may have outstanding loans of the candidate's personal funds to the candidate's campaign committee at any time of more than $15,000.

~~SEC. 1.116. LIMITS ON CONTRIBUTIONS TO CONTROLLED COMMITTEES.~~

~~(a) No person other than a candidate or elected City and County officer shall make, and no controlled committee treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person to a controlled committee of the candidate or elected City and County officer to exceed $500.~~

~~(b) If any person is found guilty of violating the terms of this Section, each controlled committee treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly, from available campaign funds, if any, the amount received from such person in excess of the amount permitted by this Section to the City and County Treasurer for deposit in the General Fund of the City and County.~~

~~(c) This Section shall not apply to any in-kind contribution of radio or television airtime to any controlled committee granted to said candidate or committee pursuant to the "Fairness Doctrine."~~

SEC. 1.118. RUN-OFF ELECTIONS. ~~MUNICIPAL RUN-OFF ELECTION.~~

All provisions of this Chapter, unless specified otherwise herein, shall be applicable in any ~~municipal~~ run-off for any City elective ~~and County~~ office. In addition, the following provisions shall be applicable in any such ~~municipal~~ run-off election:

~~(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person in the municipal run-off election in support of or opposition to such candidate, including contributions to political committee supporting or opposing such candidate, to exceed $100.~~

~~(b) For candidates who adopt the expenditure ceilings as defined in Section 1.128 of this Chapter, no person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person in the municipal run-off election in support of or opposition to such candidate, including contributions to political committee supporting or opposing such candidate, to exceed $250. (c) Each campaign treasurer who receives a contribution which exceeds the limit imposed by this Section shall pay promptly, from available campaign funds, if any, the amount received in excess of the amount permitted by this Section to the City Treasurer for deposit in the General Fund of the City and County.~~

(a) ~~(d)~~ TIME LIMITATION ON ACCEPTANCE OF CONTRIBUTIONS. No person shall make, and no candidate campaign treasurer shall solicit or accept, any contribution in connection with a run-off election for a City elective office until the day following the date of the general election for that office.

~~(e) The amount a person may contribute in support of or opposition to a candidate in connection with a run-off election shall be controlled solely by the limits imposed by this Section without regard to the amount said person contributed in support of or opposition to the candidate in the general election.~~

(b) ~~(f)~~ USE OF UNEXPENDED FUNDS. Any candidate who qualifies for a run-off election ~~may utilize unexpended campaign funds from the general election campaign for the run-off election, provided that the applicable expenditure ceilings shall continue to apply.~~

~~(g) A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized, and in addition it is returned to the donor within 72 hours of receipt. In the case of a late contribution as defined in Government Code Section 82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt.~~

SEC. 1.120. CONTRIBUTION LIMITS—POST-ELECTION LEGAL PROCEEDINGS.

All provisions of this Chapter, unless specified otherwise herein, shall be applicable in any post-election recounts, election contests or other proceedings held pursuant to law. In addition, the following provisions shall be applicable in any such post-election legal proceedings:

(a) No person other than a candidate shall make,

and no candidate ~~campaign treasurer~~ shall solicit or accept, any contribution which will cause the total amount contributed by such person in post-election legal proceedings to any candidate ~~in support of or opposition to candidates, including contributions to political committees supporting or opposing such candidate,~~ to exceed, in addition to the contribution limit contained in Sections 1.114 ~~and 1.118~~, $100.

(b) Notwithstanding any other provision of this Chapter to the contrary, for the purposes of conducting post-election recounts, election contests or other proceedings held pursuant to law, the delivery of in-kind legal services by lawyers in support of or in opposition to candidates, including in-kind contributions to ~~political~~ committees supporting or opposing candidates, shall not be subject to any contribution limitations set forth in this Chapter.

(c) If any person is found guilty of violating the terms of this Section, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly, from available campaign funds, if any, the amount received from such person in excess of the amount permitted by this Section to the City and County Treasurer for deposit in the General Fund of the City and County.

SEC. 1.122. SOLICITATION OR ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS—LIMITATIONS.

No intended candidate for any ~~public office of the~~ City elective office ~~and County~~, and no committee acting on behalf of a candidate, shall solicit or accept, or cause to be solicited or accepted, any contribution unless and until said candidate shall have filed a declaration of intention to become a candidate for a specific City and County office with the Department of Elections on a form to be prescribed by the Director of Elections; provided, however, that in any election in which members of the Board of Supervisors are elected by votes cast in a district, the office of a member of the Board of Supervisors shall be deemed to be a specific office of the City and County.

No person shall file a declaration of intention to become a candidate for more than one City elective office ~~of said City and County~~. For the purposes of this Section a committee acting on behalf of a candidate need not be controlled by or acting under the authorization of the candidate.

Except as provided below, any contributions solicited or accepted under this Section shall be expended only on behalf of the candidacy for the office specified in said declaration of intention to become a candidate. Contributions solicited or accepted under this Section for one individual shall not be expended for the candidacy of any other individual or in support of or opposition to any measure. If an individual ceases to be a candidate or fails to qualify under the provisions of the Charter for an office for which contributions have been solicited or accepted, then all unexpended contributions shall be returned on a pro rata basis to those persons who have made said contributions or donated to the General Fund of the City and County of San Francisco.

Unexpended contributions held by a candidate or committee after the date of the election in which said candidate or measure appeared on the ballot may be returned on a pro rata basis to those persons who have made said contributions, donated to a charitable organization, donated to the General Fund of the City and County of San Francisco, or as contributions to a candidate or a committee acting on behalf of a candidate, transferred to any legally constituted committee established by or on behalf of the candidate, pursuant to the provisions of Government Code of the State of California (commencing at Section 81000).

SEC. 1.124. PERSONS PROHIBITED FROM MAKING CONTRIBUTIONS IN THE NAME OF ANOTHER.

(a) No contribution of $100 or more other than an in-kind contribution shall be made unless by written instrument containing the name of the donor and the name of the payee.

(b) No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

(c) Any candidate who receives a contribution made in violation of this Section shall pay promptly, from available campaign funds, the amount of the

contribution to the City Treasurer for deposit in the General Fund of the City and County.

SEC. 1.126. CONTRIBUTION LIMITS—CONTRACTORS DOING BUSINESS WITH THE CITY ~~PROHIBITED FROM MAKING CONTRIBUTIONS~~.

No person who contracts with the City and County of San Francisco, for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling or leasing any land or building to or from the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidate for such an office, or committee controlled by such officer or candidate at any time between commencement of negotiations and either the completion of, or the termination of, negotiations for such contract.

SEC. 1.128. EXPENDITURE CEILINGS.

All candidates for City elective office who adopt campaign expenditure ceilings as defined below ~~are permitted the higher contribution limits as defined in Sections 1.114(b) and 1.118(b). Before accepting any contributions at the higher contribution limits, candidates who adopt voluntary expenditure ceilings~~ must ~~first~~ file a statement with the Department of Elections indicating acceptance of the expenditure ceiling. Said statement shall be filed no later than the deadline for filing nomination papers with the Department of Elections, and once filed may not be withdrawn. This statement is a public document.

SEC. 1.130. AMOUNT OF EXPENDITURE CEILINGS.

(a) In primary elections, any candidate for Assessor or Public Defender who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $175,000. In general elections, any candidate for Assessor or Public Defender who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding $100,000.

(b) In general elections, any candidate for Mayor who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $600,000. In run-off elections, any candidate for Mayor who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding $400,000.

(c) In general elections, any candidate for City Attorney, District Attorney, Treasurer or Sheriff who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $175,000. In run-off elections, any candidate for City Attorney, District Attorney, Treasurer or Sheriff who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding $100,000.

(d) In general elections, any candidate for the Board of Supervisors who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $75,000. In run-off elections, any candidate for the Board of Supervisors who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding $20,000.

(e) Any candidate for the Board of Education of the San Francisco Unified School District or the Governing Board of the San Francisco Community College District who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding $75,000.

(f) The Ethics Commission is authorized to adjust annually the expenditure ceilings imposed by this Section to reflect the change in the California Consumer Price Index for that year.

SEC. 1.132. TIME PERIODS FOR EXPENDITURES.

(a) For purposes of the expenditure ceilings for the offices of Assessor and Public Defender, qualified campaign expenditures made at any time on or before the date of the primary shall be considered primary election expenditures, and qualified expenditures made after the date of the primary election shall be considered general election expenditures. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign

expenditures for the time period in which they are used. Payments for goods or services used during both time periods shall be prorated.

(b) For purposes of the expenditure ceilings for the offices of City Attorney, District Attorney, Treasurer, Sheriff and Supervisor, qualified campaign expenditures made at any time before the general election shall be considered general election expenditures, and qualified expenditures made after the general election shall be considered run-off election expenditures. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign expenditures for the time period in which they are used. Payments for goods or services used during both time periods shall be prorated.

SEC. 1.134. EXPENDITURE CEILINGS LIFTED—OFFICES OTHER THAN SUPERVISOR.

This Section shall apply only if at least one candidate for the City elective office has filed a statement with the Department of Elections pursuant to Section 1.128 indicating acceptance of the applicable expenditure limits.

(a) If a candidate declines to accept expenditure ceilings and receives contributions or makes qualified campaign expenditures in excess of 100 ~~50~~ percent of the applicable expenditure ceiling, or if an independent expenditure committee or committees in the aggregate spend in support of or in opposition to a candidate more than ~~25~~ 100 percent of the applicable expenditure ceiling, the applicable expenditure limit shall no longer be binding on any candidate seeking election to the same office~~, and any candidate running for the same office who accepted expenditure limits shall be permitted to continue to receive contributions at the amount set for such candidates in Section 1.114(b) or 1.118(b)~~.

(b) Any candidate who declines to adopt the voluntary expenditure ceiling and who receives contributions, makes expenditures or has funds in his campaign trust account that exceed 100 ~~50~~ percent of the applicable expenditure ceiling shall, within 24 hours of exceeding 100 ~~50~~ percent of the applicable expenditure ceiling, file a statement with the Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and any additional information required by the Ethics Commission. Within 24 hours after receiving such notice, the Ethics Commission shall inform every other candidate for that office by registered mail, return receipt requested, that the expenditure ~~campaign~~ ceiling has been lifted.

(c) Any independent expenditure committee that spends in support of or in opposition to a candidate more than 25 percent of the applicable expenditure ceiling shall, within 24 hours of reaching this threshold, file a statement with the Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and any additional information required by the Ethics Commission. Thereafter, any such committee shall file a supplemental statement with the Ethics Commission each time the independent expenditure committee spends in support of or in opposition to such candidate an additional ~~5~~ five percent of the applicable expenditure ceiling. The supplemental statements shall be filed within 24 hours of reaching these spending thresholds.

SEC. 1.136. PUBLIC FINANCING OF ELECTION CAMPAIGNS.

Candidates for the Board of Supervisors who are certified by the Ethics Commission as eligible to receive public financing of their election campaigns, and who comply with the conditions and restrictions specified in Section 1.140 of this Chapter, may receive public funds as provided in this Chapter to defray the costs of their election campaigns.

SEC. 1.138. ELECTION CAMPAIGN FUND; APPROPRIATION OF FUNDS.

(a) ESTABLISHMENT of ELECTION CAMPAIGN fund. There is hereby established a special fund of the City and County of San Francisco called the Election Campaign Fund. All money deposited in the Fund is hereby appropriated for use as specified in this Chapter and the implementing regulations.

(b) APPROPRIATION TO ELECTION CAMPAIGN FUND. Each fiscal year the City and

County of San Francisco shall appropriate to the Election Campaign Fund an amount sufficient to provide funding for election campaigns as authorized by this Chapter for all candidates for the Board of Supervisors who may be eligible to receive such funds. The Ethics Commission shall assist the Mayor and Board of Supervisors in estimating the amount required. If at any time the amount appropriated is insufficient to fund all eligible candidates, the Ethics Commission shall notify the Mayor and Board of Supervisors, and the City and County shall appropriate additional funds. The Ethics Commission shall assist the Mayor and Board of Supervisors in estimating any additional funds required.

(c) APPROPRIATION TO ETHICS COMMISSION. Each fiscal year the City and County of San Francisco shall appropriate to the Ethics Commission an amount sufficient to pay for the costs of administration of the public financing program. This appropriation shall be in addition to and separate from the regular annual appropriation made to the Ethics Commission. The Ethics Commission shall assist the Mayor and Board of Supervisors in estimating the amount required.

(d) LIMITATION ON EXPENDITURE OF FUNDS. The annual appropriation to this public financing program, including the cost of administration, shall not exceed $2.00 per resident of the City and County of San Francisco. At the request of the Ethics Commission, the Controller shall estimate the number of residents of the City and County of San Francisco for purposes of this subsection.

SEC. 1.140. ELIGIBILITY TO RECEIVE PUBLIC FINANCING.

(a) REQUIREMENTS. To be eligible to receive public financing of campaign expenses under this Chapter, a candidate must:

(1) be seeking election to the Board of Supervisors and be eligible to hold the office sought;

(2) have received at least $7,500 in qualifying contributions from at least 75 contributors. Candidates who are attempting to qualify for public financing are permitted to solicit contributions up to the limits imposed by Section 1.114(a) of this Chapter, but only the first $100 will be counted as a qualifying contribution;

(3) be opposed by another candidate who has either established eligibility to receive public financing, or received contributions or made expenditures which in the aggregate equal or exceed $7,500;

(4) agree to the following conditions:

(A) the candidate bears the burden of proving that each contribution the candidate relies upon to establish eligibility is a qualifying contribution;

(B) the candidate bears the burden of proving that expenditures made with public funds provided under this Chapter comply with Section 1.148 of this Chapter;

(C) the candidate shall not make qualified campaign expenditures which in the aggregate exceed the expenditure limits specified in Section 1.130(d) of this Chapter, except as provided in Section 1.146 of this Chapter; and

(D) the candidate shall agree to participate in at least one debate with the candidate's opponents.

(b) ADJUSTMENT OF EXPENDITURE LIMITS AND THRESHOLDS. Whenever the Ethics Commission pursuant to Section 1.130(f) adjusts the voluntary expenditure ceilings to reflect changes in the California Consumer Price Index, the Commission is authorized to adjust the threshold limits in subsections (a)(2), (a)(3) and (a)(4)(C) of this Section, and subsections (a)(1) and (a)(2) of Section 1.152, to also reflect changes in the California Consumer Price Index.

SEC. 1.142. PROCESS FOR ESTABLISHING ELIGIBILITY; CERTIFICATION BY THE ETHICS COMMISSION.

(a) DECLARATION BY CANDIDATE. To be eligible to receive public financing of campaign expenses under this Chapter, a candidate shall declare, under penalty of perjury, that the candidate satisfies the requirements specified in Section 1.140. Candidates shall submit the declaration and any supporting material required by the Ethics Commission to the Ethics Commission on or after June 1 of the election year, but no later than the deadline for filing nomination papers with the Director of Elections. Once the declaration and supporting material are submitted,

they may not be amended. The declaration and supporting material may be withdrawn and refiled, provided that the refiling is made no later than the deadline for filing nomination papers.

(b) DETERMINATION OF ELIGIBILITY. The Executive Director of the Ethics Commission shall review the candidate's declaration and supporting material to determine whether the candidate is eligible to receive public funds under this Chapter. The Executive Director may audit the candidate's records, interview contributors and take whatever steps the Executive Director deems necessary to determine eligibility. At the request of the Executive Director, the Controller shall assist in this review process.

(c) Determination of Opposition. To determine whether a candidate is opposed as required under Section 1.140(a)(3) of this Chapter, the Executive Director shall review the material filed pursuant to Section 1.152(a) of this Chapter, and may review any other material.

(d) CERTIFICATION. If the Executive Director determines that a candidate has satisfied the requirements of Section 1.140, the Executive Director shall notify the candidate and certify to the Controller that the candidate is eligible to receive public financing under this Chapter. The Executive Director shall not certify that a candidate is eligible to receive public financing if the candidate's declaration or supporting material is incomplete or otherwise inadequate to establish eligibility. The Executive Director shall determine whether to certify a candidate no later than 30 days after the date the candidate submits his or her candidate declaration and supporting material.

(e) RESUBMISSION. If the Executive Director declines to certify that a candidate is eligible to receive public financing under this Chapter, the Executive Director shall notify the candidate. Notwithstanding Section 1.142(a) of this Chapter, the candidate may, within five business days of the date of notification, resubmit the declaration and supporting material. If the candidate does not timely resubmit, the Executive Director's determination is final.

If, after viewing resubmitted material, the Executive Director declines to certify that a candidate is eligible to receive public financing under this Chapter, the Executive Director shall notify the candidate of this fact. Additional resubmissions may be permitted in the Executive Director's discretion. If the candidate fails to resubmit in the time specified by the Executive Director, or if no further resubmissions are permitted, the Executive Director's determination is final.

(f) RECONSIDERATION. A candidate may request that the Executive Director reconsider a final determination that the candidate is ineligible to receive public funds under this Chapter. The candidate must request reconsideration in writing within five days of the date of notification of ineligibility.

(g) APPEAL TO THE ETHICS COMMISSION. If, after reconsideration, the Executive Director declines to certify that a candidate is eligible to receive public financing under this Chapter, the candidate may appeal the Executive Director's final determination to the Ethics Commission. The candidate must deliver the written appeal to the Ethics Commission within five days of the date of notification of the Executive Director's determination following reconsideration.

SEC. 1.144. DISBURSEMENT OF PUBLIC FUNDS.

(a) PAYMENT BY CONTROLLER. Upon certifying that a candidate is eligible to receive public financing under this Chapter, the Executive Director shall forward the certification to the Controller and the Controller shall disburse payments to the candidate from the Election Campaign Fund in accordance with the certification and this Section.

(b) TIME OF PAYMENTS. The Controller shall not make any payments under this Chapter until the day following the deadline for filing nomination papers with the Director of Elections.

(c) PAYMENTS FOR GENERAL ELECTION EXPENSES. Upon certification of eligibility, and in accordance with subsection (b) of this Section, the candidate shall receive a payment of $5,000 from the Election Campaign Fund. Thereafter, for each of the first $5,000 dollars of matching contributions raised by the candidate, the candidate shall receive four dollars from the Election Campaign Fund. Thereafter, for each additional dollar of matching contributions

raised by the candidate, the candidate shall receive one dollar from the Election Campaign Fund. The maximum amount of public funds a candidate may receive to defray general election expenses under this Chapter is $43,750. The amount of public funds paid under this Section shall not be affected by the lifting of expenditure limits under Section 1.146.

(d) PAYMENTS FOR RUN-OFF ELECTION EXPENSES. Each candidate who is certified to receive public funds under this Chapter and who qualifies for a run-off election shall receive a payment of $5,000 from the Election Campaign Fund. Thereafter, for each dollar of matching contributions raised by the candidate, the candidate shall receive four dollars from the Election Campaign Fund. The maximum amount of public funds such candidates may receive to defray run-off election expenses under this Chapter is $17,000. The amount of public funds paid under this Section shall not be affected by the lifting of expenditure limits under Section 1.146.

(e) PRORATION OF FUNDS. Notwithstanding subsections (c) and (d) of this Section, if the Ethics Commission makes a final determination, pursuant to Section 1.154(b) of this Chapter, that funds in the Election Campaign Fund are insufficient, the Commission shall distribute the money in the Fund on a pro rata basis to all candidates who are certified as eligible to receive public funds.

(f) DEPOSIT IN CAMPAIGN CONTRIBUTION TRUST ACCOUNT. Candidates must deposit all payments received from the Election Campaign Fund in the candidate's Campaign Contribution Trust Account.

(g) TERMINATION OF PAYMENTS. The Controller shall terminate all payments to a candidate who is otherwise eligible to receive public financing if the candidate:

(1) withdraws or fails to qualify to have his or her name printed on the ballot for the election for which the candidate applied for public financing;

(2) fails to comply with the conditions specified in Section 1.140 of this Chapter; or

(3) fails to comply with any of the reporting requirements imposed by this Chapter or the Political Reform Act, California Government Code Section 81000, *et seq.*

SEC. 1.146. EXPENDITURE CEILINGS LIFTED—CANDIDATES FOR SUPERVISOR.

(a) TRIGGER PROVISIONS.

(1) Nonparticipating candidate. If a candidate who has not filed a declaration under Section 1.142(a) of this Chapter, or who has received notice under Section 1.142 that the candidate is ineligible to receive public funds, receives contributions or makes qualified campaign expenditures in excess of 100 percent of the applicable expenditure ceiling, the applicable expenditure ceiling shall no longer be binding on any candidate running in the same supervisorial district.

(2) Independent Expenditures. If a committee or committees in the aggregate make independent expenditures in support of or in opposition to a candidate in excess of 100 percent of the applicable expenditure ceiling, the applicable expenditure ceiling shall no longer be binding on any candidate running in the same supervisorial district as the candidate who was the subject of the independent expenditures that exceeded the ceiling.

(b) NOTIFICATION. Within 24 hours of receiving notice, pursuant to Section 1.152 of this Chapter, that either of the trigger provisions in subsection (a) of this Section have been met, the Ethics Commission shall inform every candidate in the affected supervisorial district by certified mail that the expenditure ceilings have been lifted.

SEC. 1.148. RESTRICTIONS ON USE OF PUBLIC FUNDS; SURPLUS FUNDS.

(a) USE FOR QUALIFIED CAMPAIGN EXPENDITURES ONLY. Candidates who receive public financing may use the public funds solely to pay for qualified campaign expenditures, as defined by Section 1.104 of this Chapter, and to repay loans used to pay for qualified campaign expenditures. Candidates may not use public funds to pay for expenses incurred in connection with an administrative or judicial proceeding. Candidates may not use public funds to pay administrative, civil or criminal fines,

including late filing fines, or to pay for inaugural activities or officeholder expenses.

(b) PURCHASE OF EQUIPMENT. Any equipment purchased by a candidate with public funds provided under this Chapter that has a useful life beyond the election campaign for which the funds were provided, and a fair market value exceeding $100, becomes City and County property on the day following the date the candidate is elected or not elected to office.

(c) WITHDRAWAL OR FAILURE TO QUALIFY. Any candidate who receives public financing but who withdraws or fails to qualify to have his or her name printed on the ballot in the election for which the public funds were provided shall repay the Election Campaign Fund the full sum received from the Fund.

(d) SURPLUS FUNDS. Any candidate who receives public financing and who has surplus funds shall, no later than 30 days after the date the funds become surplus, deposit those funds in the Election Campaign Fund.

SEC. 1.150. AUDIT; REPAYMENT.

(a) AUDIT. The Ethics Commission shall audit all candidates who receive public financing under this Chapter. At the request of the Executive Director, the Controller shall assist in conducting these audits.

(b) REPAYMENT. If the Ethics Commission determines that any portion of the payments made to a candidate from the Election Campaign Fund exceeded the aggregate amount of payments to which the candidate was entitled under this Chapter, the Commission shall notify the Controller and the candidate. The candidate shall pay to the Controller an amount equal to the amount of excess payments. In addition, if the Commission determines that any amount of any payment made to a candidate from the Election Campaign Fund was used for something other than qualified campaign expenditures, the candidate shall pay to the Controller an amount equal to the improper expenditure. All payments received by the Controller under this Section shall be deposited in the Election Campaign Fund.

SEC. 1.152. SUPPLEMENTAL REPORTING.

In addition to the campaign disclosure requirements imposed by the California Political Reform Act and other provisions of this Chapter, the following disclosure requirements shall apply:

(a) REPORTING BY CANDIDATES WHO DO NOT RECEIVE PUBLIC FUNDS.

(1) GENERAL. No later than the deadline for filing nomination papers with the Director of Elections, each candidate who has not filed a declaration under Section 1.142(a) of this Chapter or who has received notice under Section 1.142 that the candidate is ineligible to receive public funds under this Chapter shall file a statement with the Ethics Commission indicating whether the nonparticipating candidate has received contributions, made expenditures or has funds in his or her campaign trust account that in the aggregate equal or exceed $7,500. The statement shall also indicate whether the nonparticipating candidate agrees to limit his or her qualified campaign expenditures to the expenditure ceilings as provided in Section 1.128.

(2) AFTER DEADLINE. If the nonparticipating candidate first reaches or exceeds the $7,500 threshold in subsection (a)(1) of this Section after the deadline for filing nomination papers, or receives notice of ineligibility to receive public funds after that date, the nonparticipating candidate shall, within 24 hours of reaching or exceeding the threshold or receiving notice of ineligibility, file a statement indicating this fact with the Ethics Commission.

(3) TRIGGER REPORTING. If the nonparticipating candidate receives contributions, makes expenditures or has funds in his or her campaign trust account that exceed 75 percent of the applicable expenditure ceiling, the nonparticipating candidate shall, within 24 hours of reaching that level, file a statement with the Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and any additional information required by the Ethics Commission. Thereafter, the nonparticipating candidate shall file a supplemental statement with the Ethics Commission within 24 hours of receiving contributions or making expenditures or having funds in his

trust account that equal or exceed 100 percent of the applicable expenditure ceiling.

(b) SUPPLEMENTAL REPORTING BY COMMITTEES.

(1) GENERAL. Except as provided in Section 81009.5(b) of the California Government Code, any committee that makes contributions or independent expenditures totaling $500 or more in a calendar month during the six months immediately preceding an election, to support or oppose a candidate for City elective office at that election, shall disclose, prior to the date of the election, all contributions and loans received and all expenditures made. The Ethics Commission shall prescribe the form, content and filing deadlines for these statements. The Ethics Commission may require that these statements be filed electronically.

(2) TRIGGER REPORTING. Except as provided in Section 81009.5(b) of the California Government Code, any committee that makes independent expenditures in support of or in opposition to a candidate that equal or exceed five percent of the applicable expenditure ceiling shall, within 24 hours of reaching this threshold, file a statement with the Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and any additional information required by the Ethics Commission. Thereafter, any such committee shall file a supplemental statement with the Ethics Commission each time the committee makes independent expenditures in support of or in opposition to the candidate which equal or exceed an additional five percent of the applicable expenditure ceiling. The supplemental statements shall be filed within 24 hours of reaching these spending thresholds.

SEC. 1.154. INSUFFICIENT FUNDS IN ELECTION CAMPAIGN FUND.

(a) REPORT BY CONTROLLER. At the request of the Ethics Commission, the Controller shall provide a statement of the total amount of funds in the Election Campaign Fund.

(b) FINAL DETERMINATION. No later than 15 days after the deadline for filing nomination papers with the Department of Elections, the Ethics Commission shall make a final determination whether the amount in the Election Campaign Fund is sufficient to fund all candidates for the Board of Supervisors who may be eligible to receive public financing for their election campaigns under this Chapter. If the Commission's final determination is that the amount in the Fund is insufficient, the Commission shall distribute the money in the Fund on a pro rata basis to all candidates who are certified as eligible to receive public funds.

SEC. 1.156. REPORT TO THE MAYOR AND BOARD OF SUPERVISORS.

Following each election at which members of the Board of Supervisors are elected, the Ethics Commission shall submit a report to the Mayor and Board of Supervisors. The report shall state the amount of public funds used to pay for election campaigns in that election and such other information as the Ethics Commission deems useful, including the number of candidates who received public funds; the number of nonparticipating candidates; the amount of qualified campaign expenditures made by all candidates in that election; and the amount of independent expenditures made in connection with the election.

SEC. 1.158. IMPLEMENTING REGULATIONS; FORMS.

Pursuant to Charter Section 15.102, the Ethics Commission shall adopt regulations to implement this Chapter. The Ethics Commission shall also specify the form and content of all forms and statements required to be filed under this Chapter.

SEC. 1.160. NO LIMITATION OF CANDIDATE LIABILITY.

Nothing in this Chapter shall operate to limit the candidate's liability for, nor the candidate's ability to pay, any fines or other payments imposed pursuant to administrative or judicial proceedings.

SEC. ~~1.136.~~ 1.162 . INDEPENDENT EXPENDITURES FOR MASS MAILINGS, SLATE MAILINGS OR OTHER CAMPAIGN LITERATURE.

Any person who makes independent expenditures for a mass mailing, slate mailing or other campaign

materials which support or oppose any candidate for City elective office shall place the following statement on the mailing or materials in typeface no smaller than 14 points:

Notice to Voters
(Required by City and County of
San Francisco)
This mailing is not authorized or approved
by any candidate for City and County office
or by any election official.
It is paid for by (name
and committee identification number).
(address, city, state).
Total cost of this mailing is (amount)

SEC. ~~1.138~~ 1.164. DUTIES OF ETHICS COMMISSION.

In addition to other duties required under the Charter and the terms of this Chapter, the Ethics Commission shall:

(a) Prepare and publish written instructions explaining the duties of persons, candidates and committees under this Chapter.

(b) Determine whether required statements and declarations have been filed with the Ethics Commission, and, if so, whether they conform on their face with the requirements of this Chapter.

(c) Notify promptly all persons, candidates and committees known to the Ethics Commission who have failed to file a statement in the form and at the time required by Section 1.106 hereof.

(d) Report apparent violations of this Chapter to the District Attorney.

(e) Compile and maintain a current list of all statements or parts of statements filed with the Ethics Commission pertaining to each candidate and each measure.

(f) Cooperate with the District Attorney in the performance of the duties of the District Attorney as they are related to this Chapter.

(g) Enforce or cause to be enforced the provisions of this Chapter.

(h) Prepare and publish adequate procedures to notify all persons, candidates and committees in advance relative to filing dates and forms required by Section 1.106 hereof.

SEC. ~~1.140.~~ 1.166. DUTIES OF ENFORCEMENT AUTHORITY.

In addition to the other duties required of him or her under the provisions of this Chapter, the enforcement authority for civil enforcement shall review such campaign statements filed with the Ethics Commission as the Commission shall refer to him or her for legal compliance with the provisions of this Chapter.

SEC. ~~1.142.~~ 1.168. ENFORCEMENT; ADVICE. ~~DISTRICT ATTORNEY—COMPLAINTS, LEGAL ACTION, INVESTIGATORY POWERS, CITY ATTORNEY ADVICE.~~

(a) ENFORCEMENT—GENERAL PROVISIONS. Any person who believes that a violation of this Chapter has occurred may file a complaint with the Ethics Commission, City Attorney or District Attorney. The Ethics Commission shall investigate such complaints pursuant to Charter Section C3.699-13 and its implementing regulations. The City Attorney and District Attorney shall investigate, and shall have such investigative powers as are necessary for the performance of their duties under this Chapter.

(b) ENFORCEMENT—CIVIL ACTIONS. The City Attorney, or any voter, may bring a civil action to enjoin violations of or compel compliance with the provisions of this Chapter. No civil action alleging a violation of the provisions of this Chapter shall be filed more than four years after the date the cause of action accrued or the date that the facts constituting the cause of action were discovered by the civil prosecutor, whichever is later.

No voter may commence an action under this subsection without first providing written notice to the City Attorney of intent to commence an action. The notice shall include a statement of the grounds for believing a cause of action exists. The voter shall deliver the notice to the City Attorney at least sixty days in advance of filing an action. No voter may commence an action under this subsection if the Ethics Commission has issued a finding of probable cause

that the defendant violated the provisions of this Chapter, or if the City Attorney or District Attorney has commenced a civil or criminal action against the defendant, or if another voter has filed a civil action against the defendant under this subsection.

A Court may award reasonable attorney's fees and costs to any voter who obtains injunctive relief under this subsection. If the Court finds that an action brought by a voter under this subsection is frivolous, the Court may award the defendant reasonable attorney's fees and costs.

~~(a) Any person who believes that a violation of any portion of this Chapter has occurred may file a complaint with the District Attorney. If the District Attorney determines that there is reason to believe a violation of this Chapter has occurred, he or she shall make an investigation. Whenever the District Attorney has reason to believe a willful violation of this Chapter has occurred or is about to occur, he or she may institute such legal action at such time as he or she deems necessary to prevent further violations.~~

~~(b) The District Attorney shall have such investigative powers as are necessary for the performance of the duties prescribed in this Chapter and may demand, and be furnished, records of campaign contributions and expenses at any time.~~

(c) ADVICE. Any person may request advice from the Ethics Commission or City Attorney with respect to any provision of this Chapter. The Ethics Commission shall provide advice pursuant to Charter Section C3.699-12. ~~Any person may request the City Attorney for advice with respect to any provision of this Chapter.~~ The City Attorney shall within 14 days of the receipt of said written request provide the advice in writing or advise the person who made the request that no opinion will be issued. The City Attorney shall send a copy of said request to the District Attorney upon its receipt.

~~(d)~~ The City Attorney shall within nine days from the date of the receipt of said written request send a copy of his or her proposed opinion to the District Attorney. The District Attorney shall within four days inform the City Attorney whether he or she agrees with said advice, or state the basis for his or her disagreement with the proposed advice.

~~(e)~~ No person other than the City Attorney who acts in good faith on the advice of the City Attorney shall be subject to criminal or civil penalties for so acting; provided that, the material facts are stated in the request for advice and the acts complained of were committed either in reliance on the advice or because of the failure of the City Attorney to provide advice within 14 days of the request or such later extended time.

SEC. ~~1.144.~~ 1.170. PENALTIES.

(a) GENERAL PROVISIONS—CRIMINAL. Any person who knowingly or willfully violates any provision of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $500 or by imprisonment in the County jail for a period of not more than six months or by both such fine and imprisonment; provided, however, that any willful or knowing failure to report contributions or expenditures done with intent to mislead or deceive or any willful or knowing violation of the provisions of Section 1.114 ~~or Section 1.118~~ of this Chapter shall be punishable by a fine of not less than $500 or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Section 1.114 ~~or Section 1.118~~ of this Chapter, or three times the amount expended in excess of the amount allowable pursuant to Section 1.130, whichever is greater.

(b) GENERAL PROVISIONS—CIVIL. Any person who intentionally or negligently violates any of the reporting requirements or contribution or expenditure limitations set forth in this Chapter shall be liable in a civil action brought by the civil prosecutor for an amount up to $500 or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Section 1.114 ~~or Section 1.118,~~ or three times the amount expended in excess of the amount allowable pursuant to Section 1.130, whichever is greater.

(c) MISUSE OF PUBLIC FUNDS. Any person who willfully or knowingly uses public funds, paid pursuant to this Chapter, for any purpose other than the purposes authorized by this Chapter shall be guilty of a misdemeanor and punishable by a fine of not less

than $500, or an amount not more than $5,000 or the amount three times the amount improperly spent, whichever is greater, or by imprisonment in the County jail for a period of not more than six months, or by both such fine and imprisonment. Any person who willfully, knowingly or negligently uses public funds for any purpose other than the purposes authorized by this Chapter shall be liable in a civil action brought by the civil prosecutor for an amount up $5,000 or an amount of three times the amount improperly spent, whichever is greater.

(d) PROVISION OF FALSE OR MISLEADING INFORMATION TO THE ETHICS COMMISSION; WITHHOLDING OF INFORMATION. Any person who knowingly or willfully furnishes false or fraudulent evidence, documents, or information to the Ethics Commission under this Chapter, or misrepresents any material fact, or conceals any evidence, documents, or information relevant to certification of eligibility for public financing or to an audit, or fails to furnish to the Ethics Commission any records, documents, or other information required to be provided under this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of up to $5,000, or by imprisonment in the County jail for a period of not more than six months, or by both such fine and imprisonment.

(e) DEPOSIT IN THE ELECTION CAMPAIGN FUND. All fines paid pursuant to subsections (c) or (d) of this Section are to be deposited in the Election Campaign Fund of the City and County of San Francisco.

SEC. ~~1.146.~~ 1.172. EFFECT OF VIOLATION ON OUTCOME OF ELECTION.

If a candidate is convicted of a violation of this Chapter at any time prior to his or her election his or her candidacy shall be terminated immediately and he or she shall be no longer eligible for election, unless the court at the time of sentencing specifically determines that this provision shall not be applicable.

No person convicted of a misdemeanor under this Chapter after his or her election shall be a candidate for any other City and County office for a period of five years following the date of the conviction unless the court shall at the time of sentencing specifically determine that this provision shall not be applicable.

A plea of nolo contendere shall be deemed a conviction for purposes of this Section.

SEC. ~~1.148.~~ 1.174. EFFECT OF VIOLATION ON CERTIFICATION OF ELECTION RESULTS.

The Director of Elections shall not issue any certificate of nomination or election to any candidate until his or her campaign statements required in Section 1.106 have been filed.

SEC. ~~1.150.~~ 1.176. RULES OF CONSTRUCTION.

This Chapter shall be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any officer in any procedure taken under this Chapter which does not directly affect the jurisdiction of the Board of Supervisors or the City and County to control campaign contributions shall avoid the effect of this Chapter.

SEC. ~~1.152.~~ 1.178. SEVERABILITY.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Chapter and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

APPENDIX 53: SAN FRANCISCO COMMUNITY COLLEGE DISTRICT GENERAL OBLIGATION BONDS

Proposition A, Adopted, November 6, 2001

November 6, 2001, "Measure A", San Francisco Community College District

"Shall the San Francisco Community College District increase educational opportunities, raise student achievement, and improve conditions at each of its neighborhood campuses throughout San Francisco, by issuing at interest rates within legal limits, bonds in an amount not to exceed $195,000,000 to pay for the seismic retrofitting of the campus facility at 1400 Evans; construction of new classroom/laboratory facilities to replace outdated, unhealthy, and unsafe bungalows at the Phelan Campus; completion of the district-wide computer technology network; construction of a new academic facility to provide for expanded child care services and training opportunities in the areas of Child Development, Community Health Care, and Teacher Training at the Phelan Campus; renovation and remodeling of all district-owned facilities including safety issues, building systems, building surfaces, and configurations, and improved access for the disabled at all District-owned facilities; acquisition of a parcel for inclusion within the Phelan Campus: construction of new campus facilities for the Mission and Chinatown/North Beach neighborhoods to replace outdated and leased facilities; construction of a Community Health and Wellness Center and Community Cultural Performing and Media Arts facility at the Phelan Campus, and improvements in the infrastructure of the Balboa Reservoir to prepare it for College use and thereby relieve crowded and outdated facilities at the Phelan campus, which projects the District certifies it has evaluated in terms of safety, class size reduction and information technology needs, as further described in the General Obligation Bond Project Report available from the Director of Elections and the District; provided the District appoint a citizens' oversight committee and conduct annual independent performance and financial audits to assure funds are spent only on the specified projects?"

Bonds - Yes Bonds - No

APPENDIX 54: SOLAR ENERGY REVENUE BOND

Proposition B, Adopted, November 6, 2001

Resolution calling and providing for a Special Election to be held in the City and County of San Francisco for the purpose of submitting to the qualified voters of said City and County on November 6, 2001 a proposition for the issuance of revenue bonds and/or other forms of revenue financing by the City and County of San Francisco (or one of its agencies, departments or enterprises) in a principal amount not to exceed $100,000,000 to finance the acquisition, construction, rehabilitation, installation and/or improvement of solar energy facilities and equipment, energy conservation facilities and equipment and/or renewable energy facilities and equipment; consolidating said Special Election with the General Municipal Election to be held on November 6, 2001; and finding the proposed project is in conformity with the priority of Planning Code Section 101.1 (b) and the City's General Plan.

WHEREAS, The Board of Supervisors (the "Board") of the City and County of San Francisco (the "City") is authorized to provide for the issuance of revenue bonds subject to the revenue bond voter approval requirements of Section 9.107 of the City Charter; and,

WHEREAS, Solar energy facilities and equipment, energy conservation facilities and equipment and/or renewable energy facilities and equipment provide viable means to produce safe energy resources for various agencies, departments and enterprises of the City; and,

WHEREAS, Solar energy technology allows electricity to be generated at the source where it is consumed and consequently provides increased energy independence and diminishes the vulnerability of City facilities where it is installed from rolling blackouts or other failures of the electric grid; and,

WHEREAS, Solar energy offers a clean, silent and reliable source of energy and produces energy during peak demand; and,

WHEREAS, The City will identify, evaluate and prioritize qualifying projects proposed to be funded from the Bonds. Those projects with the highest benefit to cost ratio shall be given priority access to these funds, subject to the consent of those City departments, agencies and/or enterprises which own or control the facilities or lands on which the improvements and/or facilities are proposed to be sited; and,

WHEREAS, This Board finds that it is desirable to finance the acquisition, construction, rehabilitation, installation and/or improvement of solar energy facilities and equipment, energy conservation facilities and equipment and/or renewable energy facilities and equipment for various agencies, departments and/or enterprises of the City; and,

WHEREAS, It is the intent of this Board to protect the City from price volatility in energy markets and to provide for diversity in sources and fuels used to provide electricity while providing predictable City energy budgets; and,

WHEREAS, This Board hereby finds and determines that it is in the best interests of the City to submit to the qualified voters of the City, at an election to be held for that purpose on November 6, 2001, the proposition for the issuance of revenue bonds and/or other forms of revenue financing by the City (or one of its agencies, departments or enterprises) in the principal amount not to exceed $100,000,000 (the "Bonds") to finance the acquisition, construction,

rehabilitation, installation and/or improvement of solar energy facilities and equipment, energy conservation facilities and equipment and/or renewable energy facilities and equipment for various agencies, departments and/or enterprises of the City; now, therefore, be it

RESOLVED By the Board of the City, as follows:

Section 1. A special election is hereby called and ordered to be held in the City on Tuesday, November 6, 2001, at which election there shall be submitted to the qualified voters of the City the following proposition:

SOLAR ENERGY FACILITIES AND EQUIPMENT, ENERGY CONSERVATION FACILITIES AND EQUIPMENT AND/OR RENEWABLE ENERGY FACILITIES AND EQUIPMENT REVENUE BONDS. Shall the City and County of San Francisco (or one of its agencies, departments or enterprises) issue revenue bonds and/or other forms of revenue financing in a principal amount not to exceed $100,000,000, to finance the acquisition, construction, rehabilitation, installation and/or improvement of solar energy facilities and equipment, energy conservation facilities and equipment and/or renewable energy facilities and equipment for various agencies, departments and/or enterprises of the City?

Section 2. The cost that City departments, agencies and/or enterprises will incur over the life of the technologies shall not exceed the amount that such entities would have otherwise paid for such absent the improvements and/or facilities to be financed with the proposed Bonds.

Section 3. The proposed improvements and facilities financed by the Bonds shall constitute a single, unified, integrated enterprise, and only the revenue produced and any costs avoided by said improvements and facilities shall be pledged to the repayment of the Bonds. The Board hereby finds and determines that the acquisition, construction, rehabilitation, installation and/or improvement of solar energy facilities and equipment, energy conservation facilities and equipment and/or renewable energy facilities and equipment is necessary and desirable to enable the City to exercise its municipal powers and functions, namely, to produce renewable energy facilities, to conserve energy, and to provide a reliable source of energy for any present or future beneficial use of the City. The purpose for which the proposed Bonds will be issued is to finance the acquisition, construction, rehabilitation, installation and/or improvement of solar energy facilities and equipment, energy conservation facilities and equipment and/or renewable energy facilities and equipment for agencies, departments and/or enterprises of the City, including, without limitation, to finance capitalized interest on the Bonds and any other expenses incidental thereto or connected therewith. The estimated cost of the facilities and/or equipment is $100,000,000. Said estimated costs includes all costs and expenses incidental thereto or connected therewith, including engineering, inspection. legal and fiscal agent fees and costs of the issuance of the Bonds. The maximum principal amount of the proposed Bonds is $100,000,000.

Section 4. The Board hereby submits to the qualified voters of the City at such Special Election the proposition set forth in Section 1 of this Resolution, and designates and refers to such proposition in the form of ballot hereinafter prescribed for use at said election. The Special Election hereby called and ordered to be held shall be held and conducted and the votes thereat received and canvassed, and the returns thereof made and the results thereof ascertained, determined and declared as herein provided, and in all particulars not herein recited said election shall be held and the votes canvassed according to the applicable laws of the State of California and the Charter of the City and any regulations adopted pursuant thereto, providing for and governing elections in the City, and the polls for such election shall be and remain open during the time required by said laws and regulations.

Section 5. The Special Election hereby called shall be and hereby is consolidated with the General Election of the City to be held Tuesday, November 6, 2001, and the voting precincts, polling places and

officers of election for said General Election are hereby adopted, established, designated and named, respectively, as the voting precincts, polling places and officers of elections for such special election hereby called. The ballots to be used at the special election shall be the ballots to be used at the General Election.

Section 6. In addition to any other matter required by law to be printed on the ballots, there shall appear thereon the proposition set forth in Section 1 of this Resolution.

Each voter to vote for the proposition hereby submitted and in favor of the issuance of the Bonds shall mark the ballot card in the location corresponding to a "YES" vote for the proposition, and to vote against the proposition and against the issuance of the Bonds shall mark the ballot card in the location corresponding to a "NO" vote for the proposition.

On absentee voter ballots, the voter to vote for the proposition and in favor of the issuance of the Bonds shall mark the ballot card in the location corresponding to a "YES" vote for the proposition, and to vote against said proposition and against the issuance of the Bonds shall mark the ballot card in the location corresponding to a "NO" vote for the proposition.

Section 7. If at such Special Election it shall appear that a majority of all the voters voting on the proposition voted in favor of and approve the issuance of the Bonds for the purposes set forth in this Resolution, then such proposition shall have been authorized by the electors, and the Bonds may be issued and sold for the purpose set forth in this Resolution. The rate of interest on such bonds shall not exceed 12% per annum, may be fixed or variable, and shall be payable at such times and in such manner as the Commission shall hereafter determine.

Section 8. The Bonds, if authorized, shall be special, limited obligations of the City, payable exclusively from and secured by a lien on the revenues of the improvements and facilities financed by the Bonds and such other funds as may be legally available and pledged for such purpose. The Bonds shall not be secured by the taxing power of the City, and shall be issued under Section 9.107 of the Charter of the City and any state law or any procedure provided for by ordinance. The principal of and interest on the Bonds and any premiums upon the redemption thereof shall not constitute or evidence a debt of the City, nor a legal or equitable pledge, charge, lien or encumbrance upon any of its property, or upon any of its income, receipts or revenues, except the revenues of the improvements and facilities financed by the Bonds and such other funds as may be legally available and pledged for such purpose.

Section 9. This Resolution shall be published in accordance with any state law requirements, and such publication shall constitute notice of said election and no other notice of the election hereby called need be given.

Section 10. The appropriate officers, employees, agents and representatives of the City are hereby authorized and directed to do everything necessary or desirable to the calling and holding of said Special Election, and to otherwise carry out the provisions of this Resolution.

Section 11. PROPOSITION M FINDINGS. The Board of Supervisors having reviewed the proposed legislation, finds and declares that the proposed Bond Special Election is in conformity with the priority policies of Section 101.1(b) of the City Planning Code and with the City's General Plan, and hereby adopts the findings of the City Planning Department, as set forth in the General Plan Referral.

APPENDIX 55: CITIZENS' GENERAL OBLIGATION BOND OVERSIGHT COMMITTEE

Proposition F, Adopted, March 5, 2002

Ordinance establishing Citizens' General Obligation Bond Oversight Committee; setting forth the purposes of said committee; establishing requirements for committee membership; and related matters.

Note: *This section is entirely new.*

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Article V, to read as follows:

Section 5.1. Establishment. (a) The Board of Supervisors of the City and County of San Francisco (the "Board") shall establish and appoint members to an independent citizens' general obligation bond oversight committee (the "committee"), pursuant to Section 5.3 hereof, prior to issuing any general obligation bonds (the "bonds") subsequent to the effective date of this measure.

Section. 5.2. Purpose. The purpose of the committee shall be to inform the public concerning the expenditure of general obligation bond proceeds. The committee shall actively review and report on the expenditure of taxpayers' money in accordance with the voter authorization. The committee shall convene to provide oversight for: (1) ensuring that bond revenues are expended only in accordance with the ballot measure, and (2) ensuring that no funds are used for any administrative salaries or other general governmental operating expenses. unless specifically authorized in the ballot measure for such bonds. The committee has no power to review bond proposals prior to voter approval. Further, the committee shall not participate or interfere in the selection process of any vendor hired to execute bond funded projects.

(b) In furtherance of its purpose, the committee may engage in any of the following activities:

(1) Inquiring into the disbursement and expenditure of the proceeds of bonds approved by voters by receiving any reports, financial statements, correspondence or other documents and materials related to the expenditure of bond funds from agencies that receive proceeds from these bonds.

(2) Holding public hearings to review the disbursement and expenditure of the proceeds of bonds approved by voters.

(3) Inspecting facilities financed with the proceeds of bonds approved by voters.

(4) Receiving and reviewing copies of any capital improvement project proposals or plans developed by the City.

(5) Reviewing efforts by the City to maximize bond proceeds by implementing cost-saving measures, including, but not limited to, all of the following: (i) mechanisms designed to reduce the costs of professional fees and site preparation and design: and (ii) recommendations regarding the joint use of core facilities and use of cost-effective and efficient reusable facility plans.

(6) Commissioning independent review of the disbursement and expenditure of the proceeds of bonds approved by voters by accessing any funds set aside for this purpose under subsection (c) of this section to retain outside auditors, inspectors and necessary experts to conduct such independent review.

(c) To the extent permitted by law, each ballot measure shall provide that one-tenth of one percent of the gross proceeds from the proposed bonds be deposited in a fund established by the Controller's Office and appropriated by the Board at the direction of the committee to cover the costs of said committee.

Section 5.3. Public Meetings. (a) The Board shall, without expending bond funds, provide the committee with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the conclusions of the committee.

(b) All committee proceedings shall be subject to the California Public Records Act (Section 6254, et seq., of the Government Code of the State of California) and the City's Sunshine Ordinance (Chapter 67 of this Code). The committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the committee and all documents received and reports issued shall be a matter of public record and be made available on the Board's website.

Section 5.4. Membership. (a) The committee shall consist of at least nine members to be appointed as follows: three members by the Mayor; three by the Board; two members by the Controller; and one member by the Civil Grand Jury. Each member shall serve for a term of two years without compensation and for no more than two consecutive terms.

The members appointed by the Mayor shall be comprised, as follows:

(1) One member shall be active in a business organization representing the business community located within the City.

(2) One member shall be active in a labor organization.

(3) One member shall be active in a community organization.

The members appointed by the Board shall be comprised, as follows:

(1) One member shall be active in a business organization representing the business community located within the City.

(2) One member shall be active in a labor organization.

(3) One member shall be active in a community organization.

The members appointed by the Controller shall be comprised. as follows:

(1) One member with expertise in auditing governmental financial statements or with expertise in public finance law.

(2) One member with expertise in construction management.

The member appointed by the Civil Grand Jury shall be a member of the Civil Grand Jury or a designee appointed by the Civil Grand Jury.

(b) No employee or official of the City shall be appointed to the committee. No vendor, contractor, or consultant of the City that performs work funded by bonds issued by the City shall be appointed to the committee.

Section 5.6. Waste. If, after reviewing materials provided by an agency, department or other entity (each an "agency") receiving proceeds from the sale of bonds, the committee, after conducting its own independent audit and after consultation with the City Attorney, determines that bond proceeds were spent on purposes not authorized by the ballot measure, the committee may, by majority vote, prohibit the issuance of bonds for any remaining bond authorization.

The committee's decision to prohibit the sale of authorized, unsold bonds may be appealed by the agency to the Board within 30 days. The Board may overturn this decision by a supermajority vote of the members present at the meeting at which the matter is presented.

The prohibition on the issuance of bonds for any remaining bond authorization may be lifted by the Board after the agency provides the committee and the Board with documentation of corrective action satisfactory to the Board.

Section 5.7. General Obligation Bond Ordinances. All bond ordinances introduced after the effective date of this ordinance shall contain a statement incorporating the provisions of this ordinance in such bond ordinance.

///

5.8. Application. This Article VI shall apply to all general obligation bonds with unexpended proceeds, except for Section 5.2(c) which shall apply only to bond authorizations approved by voters subsequent to the effective date of this ordinance.

Section 2. Severability. If any part or provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance, including its application to other persons or circumstances, shall not be affected by such a holding, and shall continue in force and effect. To this end, the provision of this ordinance is severable.

APPENDIX 56: GENERAL ADVERTISING SIGNS

Proposition G, Adopted, March 5, 2002

Initiative Ordinance adding Section 611 to the Planning Code and amending Section 602.7 of the Planning Code to prohibit all new general advertising signs, and to provide for appropriate general advertising sign relocation agreements.

Note: Additions are *single-underline italics Times Roman*

Be it ordained by the People of the City and County of San Francisco:

Section 1. **Findings.**

Preserving the City's Unique Character

(a) General advertising is currently in, adjacent to, and visible from public and historically significant civic spaces including parks, public plazas, historic buildings and the waterfront.

(b) City officials have received complaints from the public about the proliferation of general advertising signs in the City, about the commercialization of the City's public space, the increased size of vinyl signs which cover entire sides of buildings, as well as about general advertising signs placed on architecturally and historically significant buildings, all of which affect the quality of life in San Francisco, adding blight and clutter.

(c) The City currently contains an ample supply of legally permitted general advertising signs.

(d) The number of general advertising signs is increasing all over the City. Many areas of the City are saturated with general advertising signs. In these areas the general advertising signs are obtrusive, out of scale, and contribute to visual pollution and blight. As population, traffic and building trends grow and shift within the City, it is difficult to assess which areas of the City will be inundated with general advertising signs next.

(e) Tourism, San Francisco's largest revenue generating industry, benefits from the preservation of the City's unique character, architecture and vista. As general advertising signs become more and more a part of the City's landscape, its distinctive appearance is hidden and the character that tourists visit the City to experience is lost.

Safety

(f) City officials and the public have expressed concern over the impact of the increasing volume of general advertising signs on traffic and pedestrian safety.

(g) Signs identifying local services and businesses are often blocked or obstructed by general advertising signs, a practice that confuses and distracts the public from finding those services and businesses.

(h) Planning Code Section 601 identifies the need to reduce hazards such as signs which can distract motorists and pedestrians traveling on the public right of way and increase the potential for accidents, especially in congested parts of the City.

Existing Law

(i) Planning Code Section 601 cites as among the special purposes for adopting sign regulation: safeguarding and enhancing of property values in residential, commercial and industrial areas, protecting the public investment in and the character and dignity of public buildings, open spaces and thoroughfares, and protecting the distinctive

appearance of San Francisco produced by its unique geography, topography, street patterns, skyline and architectural features.

(j) Furthermore, the controls on general advertising signs in Planning Code Article 6 are more than thirty-five years old and no longer adequately reflect the City's concerns regarding both visual clutter and traffic safety.

(k) Objective 4, Policy 14, of the Urban Design Element of the City's General Plan recognizes that signs are a leading cause of street clutter and that the signs often are unrelated to the physical qualities of the buildings on which they are placed.

(l) Objective 4, Policy 14, further states that where signs are large, garish and clashing, they lose their value as identification or advertising signs and merely offend the viewer and that while signs have an important place in an urban environment, they should be controlled in their size and location.

(m) This ordinance does not require the removal of any lawfully erected general advertising signs. The City may also enter into agreements providing for the comparable relocation of existing lawfully erected general advertising signs to other locations where those signs could have been erected pursuant to the zoning laws in effect before the effective date of this ordinance.

(n) The City recognizes the value of non-commercial signs as a means of providing the public with information and also acknowledges the need for appropriate recognition for organizations which support non-commercial signs. This ordinance is not intended to regulate non-commercial signs.

Section 2. The San Francisco Planning Code is hereby amended by adding Section 611, to read as follows:

Sec. 611 General Advertising Signs Prohibited.

(a) No new general advertising signs shall be permitted at any location within the City as of March 5, 2002, except as provided in subsection (b) of this ordinance.

(b) Nothing in this ordinance shall be construed to prohibit the placement of signs on motor vehicles or in the public right of way as permitted by local law.

(c) Relocation Agreements.

(1) Nothing in this ordinance shall preclude the Board of Supervisors, upon recommendation from a department designated by the Board, from entering into agreements with general advertising sign companies to provide for the relocation of existing legally permitted general advertising signs. Any such agreements shall provide that the selection of a new location for an existing legally permitted general advertising sign be subject to the conditional use procedures provided for in Article 3 of the Planning Code.

(2) Locations where general advertising signs could have been lawfully erected pursuant to the zoning laws in effect prior to the effective date of this ordinance may be considered as relocation sites. Future zoning laws may additionally restrict the locations available for the relocation of existing legally permitted general advertising signs.

(d) Pursuant to subsection (c)(1) of this ordinance, the selection of a relocation site for an existing legally permitted general advertising sign shall be governed by the conditional use procedures of Section 303 of the Planning Code.

(e) Nothing in this ordinance shall preclude the Board of Supervisors from otherwise amending Article 6 of the Planning Code.

(f) A prohibition on all new general advertising signs is necessary because:

(1) The increased size and number of general advertising signs in the City can distract motorists and pedestrians traveling on the public right of way creating a public safety hazard.

(2) General advertising signs contribute to blight and visual clutter as well as the commercialization of public spaces within the City.

(3) There is a proliferation of general advertising signs visible from, on, and near historically significant buildings and districts, public buildings and open spaces all over the City.

(4) San Francisco must protect the character and dignity of the City's distinctive appearance, topography, street patterns, open spaces, thoroughfares, skyline and architectural features for both residents and visitors.

(5) There is currently an ample supply of general advertising signs within the City.

Section 3. The San Francisco Planning Code is hereby amended by amending Section 602.7, to read as follows:

602.7 **General Advertising Sign**

A sign*, legally erected prior to the effective date of Section 611 of this Code,* which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally if at all.

Section 4. **Severability**

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications or this ordinance which can be given effect without the invalid or unconstitutional provision or application. To this end, the provisions of this ordinance shall be deemed severable.

APPENDIX 57: WATER AND SEWER RATES, SURPLUS FUNDS

Proposition E, Adopted, November 5, 2002

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by creating a new Article VIIIB by adding Sections 8B.120 through 8B.127, and deleting Section 9.111-1 and amending Section 16.103, to establish exclusive control of utilities; rate setting standards and methods; planning and reporting requirements; transfer of surplus funds between utilities; independence in contracting; revenue bonds or other financing methods.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 5, 2002, a proposal to amend the Charter of said City and County by creating a new Article VIIIB Sections 8B.120 through 8B.128, and deleting Section 9.111-1 and amending Section 16.103 to read as follows:

Note: Additions are *single-underline italics*
Deletions are ~~*strike-through italics*~~

Section 1. The San Francisco Charter is hereby amended by creating a new Article VIIIB: Public Utilities, to read as follows:

SEC. 8B.120. PREAMBLE

The Public Utilities Commission operates the Water, Clean Water and Power Utilities of the City and County of San Francisco. Hetch Hetchy Water and Power System is an irreplaceable asset of the people of the City and County of San Francisco. The system is fundamental to the economic vitality of San Francisco and the Bay Area. The voters of the City and County of San Francisco are committed to preserving and protecting the system as well as safeguarding the extraordinary quality of the water from Yosemite and local watersheds. The voters find that the protection, maintenance and repair of the system are among their highest priorities.

San Francisco faces an unprecedented challenge: to restore its aging water system to ensure a reliable Bay Area water supply through the next century. Repairs must be accomplished as quickly as possible to avoid system outages, which could be caused by natural disasters such as earthquake. In planning for its future needs and those of its wholesale customers, the City must promote water conservation and responsible stewardship of its natural resources. The effectiveness of the City's Public Utilities Commission, which has jurisdiction over the system, is essential to achieving these goals.

In addition, San Francisco must upgrade and repair its clean water system to meet changes in state and federal water quality requirements, and to ensure reliability of the system, parts of which are outdated, aged or seismically vulnerable. The voters find that the operation of the clean water system should not unnecessarily place a disproportionate environmental burden on any community.

This measure is intended to enhance public confidence in the City's stewardship of public utilities by:

1. *Clarifying that the Public Utilities Commission has exclusive control of water, clean water and power assets owned or maintained by the City and County of San Francisco;*
2. *Establishing rates sufficient to meet operation, maintenance and financial needs of the system based on costs and sound budgeting and auditing*

procedures to protect retail ratepayers and reduce interest paid on bonds and other indebtedness while ensuring public review;

3. *Establishing the Public Utilities Commission as an independent revenue department not subject to undue financial pressures to contribute to the City's general fund;*
4. *Requiring the development of long term Capital, Financial and Strategic Plans to ensure that the utilities are operated efficiently in accordance with best public utility practice;*
5. *Authorizing the Public Utilities Commission to independently enter into certain contracts;*
6. *Giving the Public Utilities Commission the ability to finance needed capital improvements through revenue bonds or other financing methods consistent with the powers of other major public utilities in California; and*
7. *Promoting labor stability to ensure that the Capital Improvement Plan is completed expeditiously and efficiently.*

SEC. 8B.121. PUBLIC UTILITIES COMMISSION

(a) Notwithstanding Charter section 4.112, the Public Utilities Commission shall have exclusive charge of the construction, management, supervision, maintenance, extension, expansion, operation, use and control of all water, clean water and energy supplies and utilities of the City as well as the real, personal and financial assets, that are under the Commission's jurisdiction or assigned to the Commission under Section 4.132.

(b) The Public Utilities Commission may enter into Joint Powers Agreements with other public entities in furtherance of the responsibilities of the Commission.

(c) Except to the extent otherwise provided in this Article, the Public Utilities Commission shall be subject to the provisions of Charter sections 4.100 et seq. generally applicable to boards and commissions of the City and County.

(d) The General Manager shall have the authority to organize and reorganize the department. The General Manager shall adopt rules and regulations governing all matters within the jurisdiction of the department subject to section 4.102 as applicable.

(e) Ownership or control of any public utility or any part thereof under the jurisdiction of the Public Utilities Commission may not be transferred or conveyed absent approval by the Public Utilities Commission and approval by a vote of the electors of the City at the election next ensuing not less than 90 days after the adoption of such ordinance, which shall not go into effect until ratified by a majority of the voters voting thereon. Voter approval shall not be required for sales or transfers of real property declared surplus to the needs of any utility by the Public Utilities Commission or to leases or permits for the use of utility real property approved by the Public Utilities Commission.

SEC. 8B.122. GOALS AND OBJECTIVES RELATED TO WATER AND CLEAN WATER

(a) The Commission shall develop, periodically update and implement programs to achieve goals and objectives consistent with the following:

(1) Provide water and clean water services to San Francisco and water service to its wholesale customers while maintaining stewardship of the system by the City;

(2) Establish equitable rates sufficient to meet and maintain operation, maintenance and financial health of the system;

(3) Provide reliable water and clean water services and optimize the systems' ability to withstand disasters;

(4) Protect and manage lands and natural resources used by the Commission to provide utility services consistent with applicable laws in an environmentally sustainable manner. Operate hydroelectric generation facilities in a manner that causes no reasonably anticipated adverse impacts on water service and habitat;

(5) Develop and implement priority programs to increase and to monitor water conservation and efficiency system-wide;

(6) Utilize state-of-the-art innovative technologies where feasible and beneficial;

(7) Develop and implement a comprehensive set of environmental justice guidelines for use in connection with its operations and projects in the City;

(8) Create opportunities for meaningful community participation in development and implementation of the Commission's policies and programs; and

(9) Improve drinking water quality with a goal of exceeding applicable drinking water standards if feasible.

SEC. 8B.123. PLANNING AND REPORTING

(A) Planning and Reporting

The Public Utilities Commission shall annually hold public hearings to review, update and adopt:

(1) A Long-Term Capital Improvement Program, covering projects during the next 10-year period; including cost estimates and schedules.

(2) A Long-Range Financial Plan, for a 10-year period, including estimates of operation and maintenance expenses, repair and replacement costs, debt costs and rate increase requirements.

(3) A Long-Term Strategic Plan, setting forth strategic goals and objectives and establishing performance standards as appropriate.

The Capital Improvement Program and Long-Range Financial Plan shall serve as a basis and supporting documentation for the Commission's capital budget, the issuance of revenue bonds, other forms of indebtedness and execution of governmental loans under this Charter.

(B) Citizens' Advisory Committee

The Board of Supervisors, in consultation with the General Manager of the Public Utilities Commission, shall establish by ordinance a Citizens' Advisory Committee to provide recommendations to the General Manager of the Public Utilities Commission, the Public Utilities Commission and the Board of Supervisors.

SEC. 8B.124. WATER AND CLEAN WATER REVENUE BONDS

Notwithstanding, and in addition to, the authority granted under Charter Section 9.107, the Public Utilities Commission is hereby authorized to issue revenue bonds, including notes, commercial paper or other forms of indebtedness, when authorized by ordinance approved by a two-thirds vote of the Board of Supervisors, for the purpose of reconstructing, replacing, expanding, repairing or improving water facilities or clean water facilities or combinations of water and clean water facilities under the jurisdiction of the Public Utilities Commission.

Any legislation authorizing the issuance of revenue bonds (except for refunding bonds) under this section shall be subject to the referendum requirements of Section 14.102 of this Charter. The ordinance authorizing the issuance of such revenue bonds shall not become effective until 30 days after its adoption.

Notwithstanding any other provision of this Charter or of any ordinance of the City and County, the Board of Supervisors may take any and all actions necessary to authorize, issue and repay such bonds, including, but not limited to, modifying schedules of rates and charges to provide for the payment and retirement of such bonds, subject to the following conditions:

(a) Certification by an independent engineer retained by the Public Utilities Commission that:

(1) the projects to be financed by the bonds, including the prioritization, cost estimates and scheduling, meet utility standards; and

(2) that estimated net revenue after payment of operating and maintenance expenses will be sufficient to meet debt service coverage and other indenture or resolution requirements, including debt service on the bonds to be issued, and estimated repair and replacement costs.

(b) Certification by the San Francisco Planning Department that facilities under the jurisdiction of the Public Utilities Commission funded with such bonds will comply with applicable requirements of the California Environmental Quality Act.

Except as expressly provided in this Charter, all revenue bonds may be issued and sold in accordance with state law or any procedure provided for by ordinance of the Board of Supervisors.

SEC. 8B.125. RATES

Notwithstanding Charter sections 2.109, 3.100 and 4.102 or any ordinance (including, without limitation, Administrative Code Appendix 39), the Public Utilities Commission shall set rates, fees and

other charges in connection with providing the utility services under its jurisdiction, subject to rejection—within 30 days of submission— by resolution of the Board of Supervisors. If the Board of Supervisors fails to act within 30 days the rates shall become effective without further action.

In setting retail rates, fees and charges the Commission shall:

1. Establish rates, fees and charges at levels sufficient to improve or maintain financial condition and bond ratings a or above levels equivalent to highly rated utilities of each enterprise under its jurisdiction, meet requirements and covenants under all bond resolutions and indentures, (including, without limitation, increases necessary to pay for the retail water customers' share of the debt service on bonds and operating expenses of any state financing authority such as the Regional Water System Financing Authority), and provide sufficient resources for the continued financial health (including appropriate reserves), operation, maintenance and repair of each enterprise, consistent with good utility practice;
2. Retain an independent rate consultant to conduct rate and cost of service studies for each utility at least every five years;
3. Set retail rates, fees and charges based on the cost of service;
4. Conduct all studies mandated by applicable state and federal law to consider implementing connection fees for water and clean water facilities servicing new development;
5. Conduct studies of rate-based conservation incentives and/or lifeline rates and similar rate structures to provide assistance to low income users, and take the results of such studies into account when establishing rates, fees and charges, in accordance with applicable state and federal laws;
6. Adopt annually a rolling 5-year forecast of rates, fees and other charges; and
7. Establish a Rate Fairness Board consisting of seven members: the City Administrator or his or her designee; the Controller or his or her designee; the Director of the Mayor's Office of Public Finance or his or her designee; two residential city retail customers, consisting of one appointed by the Mayor and one by the Board of Supervisors; and two city retail business customers, consisting of a large business customer appointed by the Mayor and a small business customer appointed by the Board of Supervisors.

The Rate Fairness Board may:

i. Review the five-year rate forecast;
ii. Hold one or more public hearings on annual rate recommendations before the Public Utilities Commission adopts rates;
iii. Provide a report and recommendations to the Public Utilities Commission on the rate proposal; and
iv. In connection with periodic rate studies, submit to the Public Utilities Commission rate policy recommendations for the Commission's consideration, including recommendations to reallocate costs among various retail utility customer classifications, subject to any outstanding bond requirements.

These provisions shall be effective January 3, 2003 for the setting of retail rates, fees and charges related to the clean water system. If the voters approve bonds for the Public Utilities Commission's Capital Improvement Program at the November 5, 2002 election then the provisions of this section shall take effect on July 2, 2006 for the setting of retail rates, fees and charges related to the water system. If the voters do not approve such bonds then this section will take effect on January 3, 2003.

SEC. 8B.126. PERSONNEL AND MERIT SYSTEM

(a) The General Manager shall be selected under the provisions of Charter sections 3.100 and 4.102. The General Manager may be employed under an individual contract. His or her compensation shall be comparable to the compensation of the chief executive officers of the public water, wastewater and/or power systems in the United States that the Commission, after an independent survey, determines most closely resemble the Public Utilities Commission

in size, mission, and complexity. In addition, the Public Utilities Commission may provide an incentive compensation bonus plan for the General Manager based on performance goals established by the Commission.

(b) The General Manager may negotiate an individual contract with the employee appointed to perform the duties of general infrastructure management and oversight of the Capital Improvement Program subject to approval by the Commission and notwithstanding Charter Section A8.409 et seq.

(c) For purposes of approving individual employment contracts the Public Utilities Commission may exercise all powers of the City and County, the Board of Supervisors, the Mayor, and the Director of Human Resources under Article XI of this charter. Individual employment contracts shall utilize and shall not alter or interfere with, the Retirement or Vacation provisions of this Charter or the Health Plans established by the City's Health Service Board; provided however, that the Commission may contribute toward defraying the cost of the employee's health premiums and retirement pick-up.

SEC. 8B.127. CONTRACTING AND PURCHASING

Notwithstanding Charter Section 9.118 or any ordinance, the Public Utilities Commission shall have the sole authority to enter into agreements for the purchase of water; the sale of water to wholesale customers; and agreements necessary to implement Joint Powers Agreements with any wholesale water customer.

In order to promote labor stability and to ensure the Capital Improvement Program is completed expeditiously and efficiently, the Public Utilities Commission is authorized, to the extent legally appropriate, to enter into project labor agreements, with appropriate Building Construction and Trades Councils, covering significant capital projects.

Section 2. The San Francisco Charter is hereby amended by deleting Section 9.111-1 as follows:

~~***SEC. 9.111-1. ENVIRONMENT PROTECTION LOANS***~~

~~*Notwithstanding any other provision in the Charter, the City and County and its commissions shall have the authority to enter into loans (or other indebtedness) directly or indirectly with, or have any of its indebtedness guaranteed or subsidized by, the State of California or United States of America. All loans or other indebtedness must comply with the following provisions:*~~

~~*a. proceeds must be used for projects which protect, preserve, or enhance water resources or the environment; and*~~

~~*b. must be the most cost-effective method of financing a project; and*~~

~~*c. shall be subject to the approval of the Board of Supervisors; and*~~

~~*d. (i) cannot increase the amount of approved debt; or*~~

~~*(ii) in the case of a refinancing of revenue or general obligation bonds of the City and County or any commission, must result in net debt service savings to the City and County or commission, calculated as provided by ordinance.*~~

~~*For purposes of this Section 9.111-1, the determination of what constitutes the most cost-effective method of financing shall be certified by the Controller.*~~

Section 3. The San Francisco Charter is hereby amended by amending Section 16.103 as follows:

SEC. 16.103. UTILITY REVENUES AND EXPENDITURES

(a) Receipts from each utility operated by the Public Utilities Commission shall be paid into the City and County treasury and maintained in a separate fund for each such utility. Appropriations from such funds shall be made for the following purposes for each such utility in the order named~~, viz~~:

1. For the payment of operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the Commission may establish or the Board of Supervisors may require;
2. For repairs and maintenance;
3. For reconstruction and replacements as hereinafter described;

4. For the payment of interest and sinking funds on *the* bonds issued ~~for acquisition, construction or extension~~ *by the Public Utilities Commission pursuant to this charter*;
5. For extensions and improvements; and
6. For a surplus fund.

For any utility with outstanding bonds for which the indenture requires different payment priorities, the bond priorities will control over the priorities set forth in this section.

(b) For the purpose of providing funds for reconstruction and replacements due to physical and functional depreciation of each of the utilities under the jurisdiction of the Commission, the Commission must create and maintain a reconstruction and replacement fund for each such utility, sufficient for the purposes mentioned in this section, and in accordance with an established practice for utilities of similar character, which shall be the basis for the amount necessary to be appropriated annually to provide for said reconstruction and replacements.

~~1.~~ *(c)* If, at the end of any fiscal year, the Controller certifies that excess surplus funds of a utility exist, ~~then such excess surplus funds may be transferred by the Board of Supervisors to the General Fund of the City and County, and shall be deposited by the Commission with the Treasurer to the credit of such General Fund. For the purposes of this subsection, excess surplus funds shall exist if the utility has unappropriated, unencumbered funds~~ *from hydropower assets or water or clean water assets* in excess of 25 percent of the total expenditures of such utility in the previous fiscal year for costs of operation, repair ~~and maintenance.~~ *, maintenance and debt service coverage and required debt service reserves, the Public Utilities Commission may transfer that surplus revenue, in whole or in part, to any other utility system under the Commission's jurisdiction on the operative date of this section.*

~~(2)~~ *(d) Any surplus revenue which the Public Utilities Commission unanimously finds is not required for utility purposes pursuant to sections (a) and (b) of this section may be transferred to the General Fund by the Public Utilities Commission with the concurrence of* ~~If, as part of the budgeting process, the Controller estimates that there will exist, at the end of the budget year, excess surplus funds of a utility,~~ *three-fourths of* the Board of Supervisors ~~may budget such excess as revenue to the General Fund for that budget year. During the budget year, the Commission shall deposit with the Treasurer a pro rata portion of the then-estimated excess surplus funds no less frequently than quarterly. For the purposes of this subsection, excess surplus funds shall exist if the utility has unappropriated, unencumbered funds in excess of 25 percent of the total expenditure of such utility in the previous fiscal year for costs of operation, repair and maintenance.~~

~~3. At any time, the Commission may, with the concurrence of two-thirds of the Board of Supervisors, authorize the transfer of any portion of a utility's surplus funds to the General Fund~~ upon making all of the following findings of fact and judgment:

~~(A)~~ *(a)* That a surplus exists or is projected to exist after meeting the requirements of this section;

~~(B)~~ *(b)* That there is no unfunded operating or capital program *or required reserve* that by its lack of funding could jeopardize *bond ratings,* health, safety, water supply or power production;

~~(C)~~ *(c)* That there is no reasonably foreseeable operating contingency that cannot be funded without General Fund subsidy; and

~~(D)~~ *(d)* That such a transfer of funds in all other respects reflects prudent utility practice.

The Commission shall make such findings having received reports ~~from the manager of utilities and a public hearing~~ *and an affirmative recommendation from the General Manager and a public hearing,* which shall have received no less than 30 days of public notice.

~~4.~~ *(e)* The provisions of subsection ~~(b)~~ *(c)* above shall not be applied in a manner that would be inconsistent with the provisions of any outstanding or future indentures, resolutions, contracts or other agreements of the City and County relating to bonded indebtedness issued in connection with the utility, or with any applicable state or federal laws.

APPENDIX 58: ENTERTAINMENT COMMISSION APPOINTMENTS

Proposition F, Adopted, November 5, 2002

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by adding section 4.117 to establish the composition of and appointment of members to the San Francisco Entertainment Commission.

The Board of Supervisors hereby submits to the qualified electors of the City and County of San Francisco at an election to be held on November 5, 2002, a proposal to amend the Charter of the City and County of San Francisco by adding a new section 4.117 to read as follows:

Sec. 4.117. ENTERTAINMENT COMMISSION.

The San Francisco Entertainment Commission shall consist of seven members nominated and appointed pursuant to this section. The Mayor shall nominate four members to the commission, and the Board of Supervisors shall appoint, by motion, three other members to the commission. Each nomination of the Mayor shall be subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board of Supervises fails to act on a mayoral nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed approved. Appointments to the commission shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or on the 61st day following the date the mayoral nomination was transmitted to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act upon the nomination prior to such date.

Of the four members nominated by the Mayor, the Mayor shall nominate one member to represent the interests of City neighborhood associations or groups, one member to represent the interests of entertainment associations or groups, one member to represent the interests of the urban planning community, and one member to represent the interests of the law enforcement community. Of the three members of the commission appointed by the Board of Supervisors, one member shall represent the interests of City neighborhood associations or groups, one member shall represent the interests of entertainment associations or groups, and one member shall represent the interests of the public health community.

To stagger the terms of the members, the initial appointments to the commission shall be as follows: the Mayor shall nominate two members to serve terms of four years, one member to serve a term of three years, and one member to serve a term of two years. Of the three remaining members of the commission, the Board of Supervisors shall appoint one member to serve a term of four years, one member to serve a term of three years, and one member to serve a term of two years. Except for appointments to fill a vacancy, all subsequent appointments shall be for a term of four years.

Members of the commission nominated by the Mayor may be suspended by the Mayor and removed by the Board of Supervisors only as set forth in Section 15.105. Members of the commission appointed directly by the Board of Supervisors may be suspended by a motion of the Board of Supervisors approved by six votes and may be removed by the Board of Supervisors only as set forth in Section 15.105.

APPENDIX 59: ELECTIONS ASSISTANCE

Proposition G, Adopted, November 5, 2002

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the San Francisco Charter by amending sections 13.103.5, 13.104.5, 15 100 and 6.102 to: clarify that said section does not prohibit City personnel from providing to the Department of Elections services that are indistinguishable from services provided to other City departments and unrelated to the conduct of elections; authorize the Board of Supervisors to grant a waiver, applicable before, during and after election day, to the prohibition on use of City employees; eliminate the requirement that, prior to seeking a waiver from the Board of Supervisors, the Elections Commission make a finding that the Department of Elections will not have adequate staffing to conduct an election without the waiver; specify that the Sheriff is responsible for transporting voted ballots and other documents and devices used to record votes from the polls to the central counting location and approving a security plan; and eliminate some of the restrictions that apply to members of the Ethics Commission, Elections Commission and the City Attorney.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of San Francisco, at an election to be held on November 5, 2002, a proposal to amend the Charter of the City and County by amending sections13.103.5, 13.104.5, 15.100 and 6.102 to read as follows:

Note: Additions are *single-underline italics*
Deletions are ~~*strike-through italics*~~

SEC. 13.103.5. ELECTIONS COMMISSION.

An Elections Commission shall be established to oversee all public federal, state, district and municipal elections in the City and County. The Commission shall set general policies for the Department of Elections and shall be responsible for the proper administration of the general practices of the Department, subject to the budgetary and fiscal provisions of this Charter. These duties shall include but not be limited to approving written plans prior to each election, submitted by the Director of Elections, detailing the policies, procedures, and personnel that will be used to conduct the election as well as an assessment of how well the plan succeeded in carrying out a free, fair and functional election.

The Commission shall consist of seven members who shall serve five-year terms. No person appointed as a Commission member may serve as such for more than two successive five-year terms. Any person appointed as a Commission member to complete more than two and one half years of a five-year term shall be deemed, for the purpose of this section, to have served one full term. No person having served two successive five-year terms may serve as a Commission member until at least five years after the expiration of the second successive term in office. Any Commission member who resigns with less than two and one half years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full five-year term.

The Mayor, the Board of Supervisors, the City Attorney, the Public Defender, the District Attorney, the Treasurer, and the Board of Education of the San Francisco Unified School District each shall appoint one member of the Commission. The member appointed by the Mayor shall have a background in the electoral process. The member appointed by the City Attorney shall have a background in elections law. The member appointed by the Treasurer shall have a background in financial management. The members appointed by the District Attorney, Public Defender, the Board of Education of the San Francisco Unified School District, and the Board of Supervisors shall be broadly representative of the general public. In the event a vacancy occurs, the appointing authority who appointed the member vacating the office shall appoint a qualified person to complete the remainder of the term. All members initially appointed to the Election Commission shall take office on the first day of January, 2002.

The initial terms of Commission members shall expire according to the following guidelines: the term of the members appointed by the Mayor and the Board of Education of the San Francisco Unified School District shall expire on January 1, 2003; the term of the members appointed by the Board of Supervisors and the Treasurer shall expire on January 1, 2004; the term of the member appointed by the City Attorney shall expire January 1, 2005; the term of the member appointed by the Public Defender shall expire January 1, 2006; and the term of the member appointed by the District Attorney shall expire January 1, 2007.

Members of the Commission shall serve without compensation. Members of the Commission shall be officers of the City and County, and may be removed by the appointing authority only pursuant to Section 15.105. *During his or her tenure, members and employees of the Elections Commission are subject to the following restrictions:*

(a) Restrictions on Holding Office. No member or employee of the Elections Commission may hold any other City or County office or be an officer of a political party.

(b) Restrictions on Employment. No member or employee of the Elections Commission may be a registered campaign consultant or registered lobbyist , or be employed by or receive gifts or other compensation from a registered campaign consultant or registered lobbyist. No member of the Elections Commission may hold any employment with the City and County and no employee of the Elections Commission may hold any other employment with the City and County.

(c) Restrictions on Political Activities. No member or employee of the Elections Commission may participate in any campaign supporting or opposing a candidate or ballot measure that will appear on the San Francisco ballot, other than candidates seeking election to federal or statewide office. For purposes of this section, participation in a campaign includes but is not limited to making contributions or soliciting contributions to any committee, including general purpose committees; publicly endorsing or urging endorsement of any candidate or ballot measure; or participating in decisions by organizations to participate in a campaign.

~~*During his or her tenure, neither a member nor an employee of the Commission may: hold any other public office or employment with the City, state or federal government, with a district governmental body, with the governing body of any political party, with any City, district, state or federal official, or with a member of the governing body of any political party; participate in contribute to, solicit contributions to publicly endorse or urge the endorsement of a campaign supporting or opposing a candidate for City, district, state or federal office appearing on the ballot in San Francisco, the governing body of any political party appearing on the ballot in San Francisco, or a City, regional or state ballot measure appearing on the ballot in San Francisco; be an officer, director or employee of or hold a policymaking position in an organization that makes political endorsements regarding candidates or ballot measures appearing on the ballot in San Francisco; be a registered lobbyist or campaign consultant as defined under the City's lobbyist or campaign consultant ordinances; or employ or be employed by, or receive any gifts or other compensation from, a person required to register as a lobbyist or campaign consultant under the City's lobbyist or campaign consultant ordinances, a person who employs someone required to register as a lobbyist or campaign consultant under the City's*~~

~~lobbyist or campaign consultant ordinances, or a person who is employed by or holds office in an organization that makes political endorsements regarding candidates or ballot measures appearing on the ballot in San Francisco.~~

If a person appointed to the Elections Commission is, at the time of appointment, an officer~~,~~ ~~director~~ or employee ~~of or holds a policymaking position in an organization described herein~~ *as prohibited by this section*, that person shall be eligible to serve on the Elections Commission only if he or she resigns from his or her office or employment ~~with that organization~~ within thirty days of appointment.

~~For the purpose of this Section, "district" shall mean an existing or proposed public entity whose area includes any portion of the City and County of San Francisco or whose candidates or measures appear on the ballot in San Francisco. This Section is not intended to prohibit a member or employee of the Commission from serving with the federal or state military reserves.~~

SEC. 13.104.5. USE OF OTHER CITY EMPLOYEES AND OFFICERS.

Except as provided below, no City employee or officer, other than the Director of Elections, an appointee of the Director of Elections or a member of the Elections Commission, may in any capacity perform any function relating to the conduct of an election that this Charter places under the Department of Elections. *This section prohibits City personnel from providing to the Department of Elections services that are unique to that department. This section does not prohibit City personnel from providing to the Department of Elections ordinary services that are unrelated to the conduct of an election and that are indistinguishable from services performed for other City departments. These general support services include, but are not limited to, services relating to human resources, personnel processing, payroll, workers compensation, budgeting, accounting, procurement, contracting, and the maintenance of telephone and voice mail systems.* The Elections Commission may, upon the recommendation of the Director of Elections~~ and a finding that the Department will not have adequate staffing to conduct an election~~, request from the Board of Supervisors a waiver of this prohibition so as to allow City employees and officers to assist the Department of Elections ~~on the day of an election~~. The Board of Supervisors shall approve or deny such requests from the Elections Commission by motion.

The City Attorney shall serve as legal counsel to the Elections Commission and the Department of Elections. The Commission may, by a majority vote of its members, hire outside legal counsel to advise the Commission and the Department on matters that directly involve the election or campaign of the City Attorney, if the City Attorney is standing for election. All outside legal counsel hired pursuant to this Section shall be a member in good standing of the California State Bar. In selecting outside legal counsel, the Commission shall give preference to engaging the services of a city attorney's office, a county counsel's office or other public entity law office with an expertise regarding the subject-matter jurisdiction of the Elections Commission. In the event that the Commission concludes that private counsel is necessary, it may, by a majority vote, engage the services of a private attorney who has at least five years' experience in the subject-matter jurisdiction of the Elections Commission. Any private counsel retained pursuant to this Section shall be subject to the conflict of interest provisions of Section 13.103.5. Any contract for outside legal counsel authorized by this section shall be paid for by the Commission and shall be subject to the budgetary and fiscal provisions of this charter.

The Sheriff shall be responsible for ~~preserving the security and integrity of elections in all matters including but not limited to~~ transporting all *voted* ballots and all other documents or devices used to record votes from the polls to the central counting location and *approving a security plan* ~~providing security~~ for the ballots until the certification of election results. This requirement shall not become operative following its adoption until the Sheriff has completed meeting and conferring required by state law. *The Elections Commission shall send a copy of the approved transportation and security plan to the Board of Supervisors.*

The Director of Elections shall develop and submit for the approval of the Elections Commission an alternative *transportation and* security plan if an

incumbent sheriff is running for election *or if there is a measure on the San Francisco ballot that would have a material, financial effect on the Sheriff or the uniformed personnel of the Sheriff's department as determined by the Ethics Commission. The Director of Elections shall invite the Secretary of State to comment on any alternative transportation and security plan.* The Elections Commission shall send a copy of the approved *alternative transportation and* security plan to the Board of Supervisors. *The Board of Supervisors shall have the authority to enter into any contracts or take whatever actions are necessary to meet the alternative security requirements of this section.*

SEC. 15.100. ETHICS COMMISSION.

The Ethics Commission shall consist of five members who shall serve six-year terms; provided that the first five commissioners to be appointed to take office on the first day of February, 2002 shall by lot classify their terms so that the term of one commissioner shall expire at 12:00 o'clock noon on each of the second, third, fourth, fifth and sixth anniversaries of such date, respectively; and, on the expiration of these and successive terms of office, the appointments shall be made for six-year terms.

The Mayor, the Board of Supervisors, the City Attorney, the District Attorney and the Assessor each shall appoint one member of the Commission. The member appointed by the Mayor shall have a background in public information and public meetings. The member appointed by the City Attorney shall have a background in law as it relates to government ethics. The member appointed by the Assessor shall have a background in campaign finance. The members appointed by the District Attorney and Board of Supervisors shall be broadly representative of the general public.

In the event a vacancy occurs, the officer who appointed the member vacating the office shall appoint a qualified person to complete the remainder of the term. Members of the Commission shall serve without compensation. Members of the Commission shall be officers of the City and County, and may be removed by the appointing authority only pursuant to Section 15.105.

No person may serve more than one six-year term as a member of the Commission, provided that persons appointed to fill a vacancy for an unexpired term with less than three years remaining or appointed to an initial term of three or fewer years shall be eligible to be appointed to one additional six-year term. Any term served before the effective date of this Section shall not count toward a member's term limit. Any person who completes a term as a Commissioner shall be eligible for reappointment six years after the expiration of his or her term. Notwithstanding any provisions of this Section or any other section of the Charter to the contrary, the respective terms of office of the members of the Commission who shall hold office on the first day of February, 2002, shall expire at 12 o'clock noon on said date, and the five persons appointed as members of the Commission as provided in this Section shall succeed to said offices on said first day of February, 2002, at 12 o'clock noon; provided that if any appointing authority has not made a new appointment by such date, the sitting member shall continue to serve until replaced the new appointee.

During his or her tenure, members and employees of the Ethics Commission are subject to the following restrictions:

(a) Restrictions on Holding Office. No member or employee of the Ethics Commission may hold any other City or County office or be an officer of a political party.

(b) Restrictions on Employment. No member or employee of the Ethics Commission may be a registered lobbyist or campaign consultant, or be employed by or receive gifts or other compensation from a registered lobbyist or campaign consultant. No member of the Ethics Commission may hold employment with the City and County and no employee of the Commission may hold any other employment with the City and County.

(c) Restrictions on Political Activities. No member or employee of the Ethics Commission may participate in any campaign supporting or opposing a candidate for City elective office, a City ballot measure, or a City officer running for any elective office. For the purposes of this section, participation in a campaign includes but is not limited to making contributions or soliciting

contributions to any committee within the Ethics Commission's jurisdiction, publicly endorsing or urging endorsement of a candidate or ballot measure, or participating in decisions by organizations to participate in a campaign.

~~*During his or her tenure, a member of the Commission may not: hold any other public office or any employment with the City, state or federal government, with a district governmental body, with the governing body of any political party, with any City, district, state or federal official, or with a member of the governing body of any political party; participate in, contribute to, solicit contributions to, publicly endorse or urge the endorsement of a campaign supporting or opposing a candidate for City, district, state or federal office appearing on the ballot in San Francisco, the governing body of any political party appearing on the ballot in San Francisco, a City, regional or state ballot measure appearing on the ballot in San Francisco, or a City official seeking any elective office; be an officer, director, or employee of or hold a policymaking position in an organization that makes political endorsements regarding candidates or ballot measures appearing on the ballot in San Francisco; be a registered lobbyist or campaign consultant as defined under the City's lobbyist or campaign consultant ordinances; or employ or be employed by, or receive any gifts or other compensation from, a person required to register as a lobbyist or campaign consultant under the City's lobbyist or campaign consultant ordinances, a person who employs someone required to register as a lobbyist or campaign consultant under the City's lobbyist or campaign consultant ordinances, or a person who is employed by or holds office in an organization that makes political endorsements regarding candidates or ballot measures appearing on the ballot in San Francisco. If a person appointed to the Ethics Commission is, at the time of appointment, an officer, director or employee of or holds a policymaking position in an organization described herein, that person shall be eligible to serve on the Ethics Commission only if he or she resigns from his or her office or employment with that organization within thirty days of appointment.*~~

~~*For the purposes of this Section, "district" shall mean an existing or proposed public entity whose area includes any portion of the City and County of San Francisco or whose candidates or measures appear on the ballot in San Francisco. This Section is not intended to prohibit a member of the Commission from serving with the federal or state military reserves.*~~

For a period of one year upon completing his or her service with the Commission, no member of the Commission may: be a lobbyist or campaign consultant~~, *as defined under the City's lobbyist or campaign consultant ordinances; or employ or*~~ be employed by, or receive any gifts or other compensation from a ~~*person required to register as a*~~ lobbyist or campaign consultant ~~*under the City's lobbyist or campaign consultant ordinances,*~~ *or* a person who employs someone required to register as a lobbyist or campaign consultant ~~*under the City's lobbyist or campaign consultant ordinances, or a person who is employed by or holds office in a committee, as defined under San Francisco Campaign and Government Conduct Code Section 1.305*~~. *For purposes of this section, the terms lobbyist and campaign consultant mean persons required to register under the City's lobbyist or campaign consultant ordinances.*

The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission's duties or exercise of its powers.

SEC. 6.102. CITY ATTORNEY.

The City Attorney shall:

1. Represent the City and County in legal proceedings with respect to which it has an interest; provided that any elected officer, department head, board or commission may engage counsel other than the City Attorney for legal advice regarding a particular matter where the elected officers department head, board or commission has reason to believe that the City Attorney may have a prohibited financial conflict of interest under California law or a prohibited ethical conflict of interest under the California Rules of Professional Conduct with regard to the matter, subject to the following limitations and

conditions.

The elected officer, department head, board or commission shall first present a written request to the City Attorney for outside counsel. The written request shall specify the particular matter for which the elected officer, department head, board or commission seeks the services of outside counsel, a description of the requested scope of services, and the potential conflict of interest that is the basis for the request. Within five working days after receiving the written request for outside counsel, the City Attorney shall respond in writing to the elected officer, department head, board or commission either consenting or not consenting to the provision of outside counsel. If the City Attorney does not consent to the provision of outside counsel, the City Attorney shall state in the written response why he or she believes that there is no conflict of interest regarding the particular matter.

If the elected officer, department head, board or commission continues to believe there are adequate grounds for outside counsel despite the City Attorney's response that there is no conflict of interest, the elected officer, department head, board or commission may, within thirty days after receiving the City Attorney's response, refer the issue of whether the City Attorney has a prohibited conflict of interest regarding a particular matter to a retired judge or justice of the state courts of California for resolution. If the elected officer, department head, board or commission and City Attorney cannot agree on a retired judge to hear the matter, the retired judge shall be selected at random by an alternative dispute resolution provider. If the matter is referred to a retired judge, the elected officer, department head, board or commission, subject to the budgetary and fiscal provisions of the Charter, shall be entitled to retain outside counsel to represent it solely on the issue of whether the City Attorney has a conflict of interest regarding the particular matter.

In deciding whether the City Attorney has a conflict of interest regarding a particular matter, the retired judge shall be bound by and apply the applicable substantive law and Rules of Professional Conduct as if he or she were a court of law. To the extent practicable, the retired judge shall hear the matter within 15 days after its assignment to the retired judge, and within 15 days after the hearing, shall issue a written opinion stating the basis for the decision. The retired judge, but not the City Attorney or elected officer, department head, board or commission, shall have the power to subpoena witnesses and documents in this proceeding.

The retired judge may request that the City Attorney secure written advice from the California Fair Political Practices Commission, the State Bar of California, or the California Attorney General on the question of whether the City Attorney has a conflict of interest regarding the particular matter. Upon such a request by the retired judge, the City Attorney shall secure such written advice. The retired judge may consider, but is not bound by, written advice so secured. The decision of the retired judge shall be final for the limited purpose of determining whether or not the elected officer, department head, board or commission may retain outside counsel for the particular matter.

If the retired judge decides that the City Attorney does not have a conflict of interest regarding the particular matter, the City Attorney shall continue to be the legal adviser to the elected officer, department head, board or commission for such matter. If the retired judge decides that the City Attorney has a conflict of interest regarding a particular matter, the elected officer, department head, board or commission shall be entitled to retain outside counsel for legal advice regarding the particular matter, and the City Attorney shall thereupon cease to advise the elected officer, department head board or commission on such matter. Any such finding of a conflict of interest shall not affect the City Attorney's role as legal advisor to the elected officer, department head, board or commission on all other matters.

If at any time after the retention of outside counsel, the City Attorney believes that there is no longer a conflict of interest, the City Attorney shall state in writing to the elected officer, department head, board or commission why he or

she believes that there is no longer a conflict of interest. Within five working days after receiving the written statement from the City Attorney, the elected officer, department head, board or commission shall respond in writing, either agreeing or disagreeing that there is no longer a conflict of interest. If the elected officer, department head, board or commission agrees that there is no longer a conflict of interest regarding a particular matter, the elected officer, department head, board or commission shall cease employing outside counsel for legal advice regarding the matter, and the City Attorney shall serve as legal adviser to the elected officer, department head, board or commission regarding that matter. If the elected officer, department head, board or commission states in its written response that it believes the conflict of interest still exists, the City Attorney may, within ten working days after receiving the response of the elected officer, department head, board or commission, elect to refer the issue of whether the conflict of interest regarding the particular matter continues to exist to the same retired judge who originally heard the matter, if available. The same procedures as established herein shall apply thereafter.

In selecting outside counsel for any purpose described in this Section, the elected officer, department head, board or commission shall give preference to engaging the services of a city attorney's office, a county counsel's office or other public entity law office with an expertise regarding the subject-matter jurisdiction of the elected officer, department head, board or commission. If the elected officer, department head, board or commission concludes that private counsel is necessary, that attorney must be a member in good standing with the Bar of California who has at least five year's experience in the subject-matter jurisdiction of the elected officer, department head, board or commission Any private counsel retained pursuant to this Section shall be subject to the conflict of interest provisions of Section 13.103.5. The cost of any of the services of outside counsel and of the alternative dispute resolution process authorized by this Section shall be paid for by the elected officer, department head, board or commission, subject to the budgetary and fiscal provisions of this Charter.

2. Represent an officer or official of the City and County when directed to do so by the Board of Supervisors, unless the cause of action exists in favor of the City and County against such officer or official;
3. Whenever a cause of action exists in favor of the City and County, commence legal proceedings when such action is within the knowledge of the City Attorney or when directed to do so by the Board of Supervisors, except for the collection of taxes and delinquent revenues, which shall be performed by the attorney for the Tax Collector;
4. Upon request, provide advice or written opinion to any officer, department head or board, commission or other unit of government of the City and County;
5. Make recommendations for or against the settlement or dismissal of legal proceedings to the Board of Supervisors prior to any such settlement or dismissal. Such proceedings shall be settled or dismissed by ordinance and only upon the recommendation of the City Attorney;
6. Approve as to form all surety bonds, contracts and, prior to enactment, all ordinances; and examine and approve title to all real property to be acquired by the City and County;
7. Prepare, review annually and make available to the public a codification of ordinances of the City and County then in effect;
8. Prepare and make available to the public an annual edition of this Charter complete with all of its amendments and legal annotations; and
9. Establish in the Office of the City Attorney a Bureau of Claims Investigation and Administration which shall have the power to investigate, evaluate and settle for the several boards, commissions and departments all claims for money or damages. The Bureau shall also have the power to investigate incidents where the City faces potential civil liability, and to settle demands before they are presented as claims,

within dollar limits provided for by ordinance, from a revolving fund to be established for that purpose. The City Attorney shall appoint a chief of the Bureau who shall serve at his or her pleasure. The chief of the Bureau may appoint, subject to confirmation by the City Attorney, investigators who shall serve at the pleasure of the chief.

10. During his or her tenure, *not ~~participate in,~~* contribute to, solicit contributions to, publicly endorse or urge the endorsement of *or otherwise participate in a campaign for* a candidate for *City elective ~~public~~* office, other than *himself or herself ~~his or her own candidacy for public office, appearing on the ballot in San Francisco~~* or of a *City* ballot measure *~~appearing on the ballot in San Francisco;~~* or be an officer, director or employee of or hold a policymaking position in an organization that makes political endorsements regarding candidates *for City elective office* or *City* ballot measures *~~appearing on the ballot in San Francisco~~*.

APPENDIX 60: POLICE AND FIREFIGHTER RETIREMENT BENEFITS

Proposition H, Adopted, November 5, 2002

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by adding Sections A8.595 through A8.595-14, A8.596 through A8.596-14, A8.597 through A8.597-15, and A8.598 through A8.598-15 thereto, relating to retirement benefits for police officers and firefighters, and by amending Sections A8.500-1 and A8.500-2 to conform to the new retirement plans.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 5, 2002 a proposal to amend the Charter of said City and County by adding Sections A8.595 through A8.595-14, A8.596 through A8.596-14, A8.597 through A8.597-15, and A8.598 through A8.598-15, and by amending Sections A8.500-1 and A8.500-2 to read as follows:

Note: Additions are *single-underline italics*
Deletions are ~~*strikethrough italics*~~

A8.595 MEMBERS OF THE POLICE DEPARTMENT ON JANUARY 1, 2003 WHO ARE MEMBERS OF THE RETIREMENT SYSTEM UNDER CHARTER SECTION A8.559.

Members of the police department on January 1, 2003 who are members of the retirement system under Section A8.559 may elect to be members of the retirement system under Section A8.595 instead of Section A8.559. Any such election must be exercised in writing, on a form furnished by the retirement system, and filed at the office of said system not later than the close of business on December 31, 2002.

Those persons who elect to be members under Section A8.595 as provided in the preceding paragraph, shall be members of the system subject to provisions of Sections A8.595 through Section A8.595-14 (which shall apply only to members under Section A8.595) in addition to the provisions contained in Sections 12.100 to 12.103 and Sections A8.500, A8.510 and A8.520 of this charter, notwithstanding the provisions of any other section of this charter, and shall not be subject to any of the provisions of Section A8.559 of this charter.

The provisions of section A8.595 shall not apply to any member of the retirement system under section A8.559 who separated from service, retired or died before January 1, 2003, or to his or her continuant; provided, however, that the provisions of section A8.595-2 shall apply to the adjustment required in Sections A8.559-3, A8-559-4 and A8.559-5 for a retired member or his or her surviving spouse or continuant when the retired member would not have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years until after January 1, 2003.

A8.595-1 DEFINITIONS

The following words and phrases as used in this section A8.595 and Sections A8.595-2 through A8.595-14, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case

may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the police department, but excluding remuneration paid for overtime.

For retirement purposes, any increase in compensation attached to a rank which is based solely upon the possession of a POST certificate, compared to the equivalent rank without a POST certificate, shall be subject to the following limitations:

(a) for possession of the intermediate POST certificate, no more than 4% shall be included in compensation,

(b) for possession of the advanced POST certificate, no more than an additional 2% over the maximum provided in subsection (a), above, shall be included in compensation.

These limits shall apply to any pay increments which are solely attributable to the possession of a POST certificate, including but not limited to premiums or special ranks which may be established in the future and which are solely attributable to the possession of a POST certificate.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the police department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the monthly compensation earnable by a member at the time of his or her retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, "final compensation," as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he or she held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position; provided, however, that in the case of a member's death before retirement as the result of a violent traumatic injury received in the performance of his or her duty, "final compensation," as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he or she receives such injury to the rank or position held by such member on that date.

For purposes of calculation of final compensation, any increase in pay solely attributable to possession of a POST certificate shall be included only if the member possesses the qualifying POST certificate for a period of not less than four (4) years prior to his or her retirement date; provided, however, that should a member possess the qualifying POST certificate for a period of time less than four (4) years prior to retirement, final compensation shall be calculated based upon the monthly compensation in the next lower rank not requiring possession of the qualifying POST certificate.

For the purpose of Sections A8.595 through A8.595-14, the terms "member of the police department," "member of the department," or "member" shall mean any officer or employee of the police department, who was a member of the police department on January 1, 2003 and a member of the retirement system under Section A8.559 and who elected to be a member of Section A8.595 as provided in Section A8.595.

Any police service performed by such members of the police department outside the limits of the City and County and under orders of a superior officer of any such member, shall be considered as City and County service, and any disability or death incurred therein shall be covered under the provisions of the retirement

system.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the charter.

"Retirement board" shall mean "retirement board" as created in Section 12.100 of the charter.

"Charter" shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

A8.595-2 SERVICE RETIREMENT

Any member of the police department who completes at least twenty-five (25) years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.595-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of the final compensation of said member, as defined in Section A8.595-1, set forth below opposite his or her age at retirement, taken to the preceding quarter year, for each year of service, as computed under Section A8.595-10:

Retirement Age	Percent for Each Year of Credited Service
50	2.400
50.25	2.430
50.5	2.460
50.75	2.490
51	2.520
51.25	2.550
51.5	2.580
51.75	2.610
52	2.640
52.25	2.670
52.5	2.700
52.75	2.730
53	2.760
53.25	2.790
53.5	2.820
53.75	2.850
54	2.880
54.25	2.910
54.5	2.940
54.75	2.970
55 +	3.000

In no event, however, shall such a retirement allowance exceed ninety (90) percent of a member's final compensation.

If, at the date of retirement for service, or retirement for disability resulting from an injury received in the performance of duty, said member has no spouse, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or Section A8.595-3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his or her allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him or her throughout his or her life, and partly in other benefits payable after his or her death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system, including the character and amount of such other benefits.

A8.595-3 RETIREMENT FOR INCAPACITY

Any member of the police department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement

allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.595-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.595-1. Said allowance shall be paid to said member until the date upon which said member would have qualified for service retirement had he or she lived and rendered service without interruption in the rank held by the member at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.595-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed but such allowance shall not be less than 55 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.595-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.595-2, but not less than 55 percent of said final compensation. Any member of the police department who becomes incapacitated for performance of his or her duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.595-10, shall be retired upon an allowance of one and one-half percent of the final compensation of said member as defined in Section A8.595-1 for each year of service, provided that said allowance shall not be less than 33-1/3 percent of said final compensation; provided, however, that if such member has completed at least 25 years of service in the aggregate, computed as provided in Section A8.595-10, but has not yet attained the age of 50 years, he or she shall receive an allowance equal to the retirement allowance he or she would have received if he or she had attained the age of 50 years and retired under Section A8.595-2 as of the date of retirement for such incapacity. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the police commission, or by said member or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease, and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

A8.595-4 DEATH ALLOWANCE

If a member of the police department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance payable under any other section of the charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the day of death, but such allowance shall not be less than 55 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he or she lived and rendered service without interruption in the rank held by the member at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall

not be less than 55 percent of such monthly final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section 5.595 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

A8.595-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the police department resulting from any cause, other than an injury received in, or illness caused by performance of duty:

(a) if his or her death occurred after qualification for service retirement, under Section A8.595-2 or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by performance of duty, three-fourths of his or her retirement allowance to which the member would have been entitled if he or she had retired for service at the time of death or three-fourths of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout life or until remarriage to his or her surviving spouse; or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, three-fourths of the retirement allowance to which he or she would have been entitled under Section A8.595-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse; or

(c) if his or her death occurred after retirement for disability by reason of injury received in, or illness caused by performance of duty, his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage, to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date of which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died; or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.595-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.595-3 if he or she had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in, or illness caused by performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries

before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her death if he or she had retired.

As used in this section and Section A8.595-4, "surviving spouse" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving spouse, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.595-A8, in lieu of the allowance which otherwise would be continued to him or her under this section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "Qualification for service retirement" or "Qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section A8.595 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.595-10.

A8.595-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.595 shall be increased or decreased as of January 1, 2003, and thereafter on the effective date of any legislation fixing the rates of compensation for police officers under section A8.590-1 et seq. of this charter by an amount equal to 50 percent of any increase or decrease, respectively, in the rate of remuneration attached to the rank or position upon which such retirement or death allowance was based; provided, however, that no allowance shall be reduced below the amount being received by a member or his or her beneficiary on January 1, 2003, or on the date such member or beneficiary began to receive the allowance, whichever is later.

A8.595-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the police department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

A8.595-8 DEATH BENEFIT

If a member of the police department shall die, before retirement from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under Section 8.595-4 or 8.595-5 preceding, a death benefit shall be paid to his or her estate or

designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

A8.595-9 REFUNDS AND REDEPOSITS

Should any member of the police department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the board of supervisors to govern similar terminations of employment of other members of the retirement system. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund, the amount refunded to him or her. Should a member of the police department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change, equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of compensation received by him or her in the police department and he or she shall receive credit for service for which said contributions were made, according to the charter section under which his or her membership in the retirement system continues.

A8.595-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the police department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other charter section, and not redeposited upon reentry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the fire or police department.

(b) Time during which said member served and received compensation as a jail matron in the office of the sheriff.

(c) Time during which said member is absent from a status included in Subsections (a) or (b) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the retirement system or for which the City and County contributed or contributes on his or her account.

A8.595-11 SOURCES OF FUNDS

All payments provided for members under Section A8.595 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.595 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Section A8.595-8, A8.595-9 and A8.595-10. A member's individual account under Section A8.595 shall include all

monies previously credited to the member's account under Section A8.559.

(b) The dependent contributions of each member under this section which shall be required of each member throughout his or her membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under Section A8.595-2, and upon he or she first qualifying as to age and service for retirement under that section, one-third of the portion of his or her allowance, which is to be continued under Section A8.595-5 after his or her death and throughout the life of a surviving spouse whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in the performance of duty, said member has no spouse who would qualify for the continuance of the allowance to him or her after the death of said member, or upon retirement for disability resulting from other causes, regardless of his or her marital conditions, the dependent contributions with accumulated interest thereon, shall be paid to him or her forthwith. The dependent rate of contribution, however, shall not exceed the difference between seven percent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(c) The City and County shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.595-11, to provide the benefits payable to members under Section A8.595. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.595 in accordance with the provisions of Section A8.510.

(d) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.595, shall be a part of the fund in which all other assets of said system are included.

(e) Any year in which, based upon the retirement system's annual actuarial valuation, the employer contribution rate exceeds 0%, the employee organizations representing safety members shall jointly meet and confer with city representatives to implement a cost sharing arrangement between the city and employee organizations. Such arrangement will effect a material reduction of the cost impact of employer contributions on the city's general fund.

The dollar value of the cost sharing arrangement shall not exceed the total annual cost to the retirement system of improving the police and fire safety retirement plans to the 3%@55 benefit level or the total employer contribution required by the retirement system, whichever is lesser. Such cost sharing arrangement shall not require an employee contribution in excess of the limits set elsewhere in this charter.

The meet and confer process, including all impasse procedures under section A8.590-1 et seq., shall be concluded not later than April 1st except by mutual agreement of the parties. The cost sharing arrangement must be finalized to permit implementation effective July 1.

The retirement board's authority under charter section 12.100 and in section A8.510 concerning the annual setting of the rates of contribution are not subject to the meet and confer process, including all impasse procedures under section A8.590-1 et seq.

A8.595-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.595-2 as requisite to retirement, a member of the police department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.595-2, and nothing shall

deprive said member of said right.

A8.595-13 LIMITATION IN EMPLOYMENT DURING RETIREMENT

Except as otherwise provided in Section A 8.511 of this charter, no person retired as a member under Section A 8.595 for service or disability and entitled to receive a retirement allowance under the retirement system shall serve in any elective or appointive position in the City and County service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the City and County after retirement, provided that service as an election officer or juror, or in the preparation for, or the giving of, testimony as an expert witness for or on behalf of the City and County of San Francisco before any court or legislative body shall not be affected by this section.

A8.595-14 VESTING

Notwithstanding any provisions of this charter to the contrary, should any member of the police department who is a member of the Retirement System under Charter Section A8.595 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.595-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. The provisions of Section A8.595-14 shall not apply to any members of the retirement system under Section A8.559 who terminated before January 1, 2003 or their continuants. No vesting retirement allowance under this section shall exceed ninety (90%) percent of the member's final compensation.

Any member of the police department convicted of a crime involving moral turpitude committed in connection with his or her duties as a member of the police department shall, upon termination of his or her employment pursuant to the provisions of this charter, forfeit all right to any benefits under this section except refund of his or her accumulated contributions.

Every retirement or death allowance payable to or on account of any member under Section A 8.595-14 shall be adjusted in accordance with the provisions of Section A 8.595-6 provided that if the member's accrued service credit is less than 25 years the Section A 8.595-6 adjustment will be multiplied by a fraction where the denominator is 25 and the numerator is equal to the member's accrued service credit at the date of termination.

A8.596 MEMBERS OF THE FIRE DEPARTMENT ON JANUARY 1, 2003 WHO ARE MEMBERS OF THE RETIREMENT SYSTEM UNDER CHARTER SECTION A8.585

Members of the fire department on January 1, 2003 who are members of the retirement system under Section A8.585 may elect to be members of the retirement system under Section A8.596 instead of Section A8.585. Any such election must be exercised in writing, on a form furnished by the retirement system, and filed at the office of said system not later than the close of business on December 31, 2002.

Those persons who elect to be members under Section A8.596 as provided in the preceding paragraph, shall be members of the system subject to provisions of Section A8.596 through Section A8.596-14 (which shall apply only to members under Section A8.596) in addition to the provisions contained in Sections 12.100 to 12.103 and Sections A8.500, A8.510 and A8.520 of this charter, notwithstanding the provisions of any other section of this charter, and shall not be subject to any of the provisions of Section A8.585 of this charter.

The provisions of section A8.596 shall not apply to any member of the retirement system under section A8.585 who separated from service, retired or died before January 1, 2003, or to his or her continuant; provided, however, that the provisions of section A8.596-2 shall apply to the adjustment required in Sections A8.585-3, A8-585-4 and A8.585-5 for a retired member or his or her surviving spouse or continuant when the retired member would not have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years until after January 1, 2003.

A8.596-1 DEFINITIONS

The following words and phrases as used in this section A8.596 and Sections A8.596-2 through A8.596-14, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the fire department, but excluding remuneration paid for overtime.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the fire department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the monthly compensation earnable by a member at the time of his or her retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, "final compensation," as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he or she held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position; provided, however, that in the case of a member's death before retirement as the result of a violent traumatic injury received in the performance of his or her duty, "final compensation," as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he or she receives such injury to the rank or position held by such member on that date.

For the purpose of Sections A8.596 through A8.596-14, the terms "member of the fire department," "member of the department," or "member" shall mean any officer or employee of the fire department, who was a member of the fire department on January 1, 2003 and a member of the retirement system under Section A8.585 and who elected to be a member of Section A8.596 as provided in Section A8.596.

Any fire service performed by such members of the fire department outside the limits of the City and County and under orders of a superior officer of any such member, shall be considered as City and County service, and any disability or death incurred therein shall be covered under the provisions of the retirement system.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the charter.

"Retirement board" shall mean "retirement board" as created in Section 12.100 of the charter.

"Charter" shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

A8.596-2 SERVICE RETIREMENT

Any member of the fire department who completes at least twenty-five (25) years of service in the aggregate and attains the age of fifty (50) years, said

service to be computed under Section A8.596-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of the final compensation of said member, as defined in Section A8.596-1, set forth below opposite his or her age at retirement, taken to the preceding quarter year, for each year of service, as computed under Section A8.596-10:

Retirement Age	Percent for Each Year of Credited Service
50	2.400
50.25	2.430
50.5	2.460
50.75	2.490
51	2.520
51.25	2.550
51.5	2.580
51.75	2.610
52	2.640
52.25	2.670
52.5	2.700
52.75	2.730
53	2.760
53.25	2.790
53	2.820
53.75	2.850
54	2.880
54.25	2.910
54	2.940
54.75	2.970
55+	3.000

In no event, however, shall such a retirement allowance exceed ninety (90) percent of a member's final compensation.

If, at the date of retirement for service, or retirement for disability resulting from an injury received in the performance of duty, said member has no spouse, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or Section A8.596-3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his or her allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him or her throughout his or her life, and partly in other benefits payable after his or her death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system, including the character and amount of such other benefits.

A8.596-3 RETIREMENT FOR INCAPACITY

Any member of the fire department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.596-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.596-1. Said allowance shall be paid to said member until the date upon which said member would have qualified for service retirement had he or she lived and rendered service without interruption in the rank held by the member at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired

for service on said date based on the final compensation, as defined in Section A8.596-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 55 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.596-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.596-2, but not less than 55 percent of said final compensation. Any member of the fire department who becomes incapacitated for performance of his or her duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.596-10, shall be retired upon an allowance of one and one-half percent of the final compensation of said member as defined in Section A8.596-1 for each year of service, provided that said allowance shall not be less than 33-1/3 percent of said final compensation; provided, however, that if such member has completed at least 25 years of service in the aggregate, computed as provided in Section A8.596-10, but has not yet attained the age of 50 years, he or she shall receive an allowance equal to the retirement allowance he or she would have received if he or she had attained the age of 50 years and retired under Section A8.596-2 as of the date of retirement for such incapacity. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the fire commission, or by said member or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease, and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

A8.596-4 DEATH ALLOWANCE

If a member of the fire department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance payable under any other section of the charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he or she had been retired for service on the day of death, but such allowance shall not be less than 55 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he or she lived and rendered service without interruption in the rank held by the member at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 55 percent of such monthly final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he or she was a member under Section 5.596 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or

attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

A8.596-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the fire department resulting from any cause, other than an injury received in, or illness caused by performance of duty;

(a) if his or her death occurred after qualification for service retirement, under Section A8.596-2 or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by performance of duty, three-fourths of his or her retirement allowance to which the member would have been entitled if he or she had retired for service at the time of death or three-fourths of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout life or until remarriage to his or her surviving spouse; or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, three-fourths of the retirement allowance to which he or she would have been entitled under Section A8.596-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse; or

(c) if his or her death occurred after retirement for disability by reason of injury received in, or illness caused by performance of duty, his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage, to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date of which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died; or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.596-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.596-3 if he or she had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in, or illness caused by performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a

surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her death if he or she had retired.

As used in this section and Section A8.596-4, "surviving spouse" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving spouse, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.596-8, in lieu of the allowance which otherwise would be continued to him or her under this section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "Qualification for service retirement" or "Qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section A8.596 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.596-10.

A8.596-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.596 shall be increased or decreased as of January 1, 2003, and thereafter on the effective date of any legislation fixing the rates of compensation for firefighters under section A8.590-1 et seq. of this charter by an amount equal to 50 percent of any increase or decrease, respectively, in the rate of remuneration attached to the rank or position upon which such retirement or death allowance was based; provided, however, that no allowance shall be reduced below the amount being received by a member or his or her beneficiary on January 1, 2003, or on the date such member or beneficiary began to receive the allowance, whichever is later.

A8.596-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the fire department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

A8.596-8 DEATH BENEFIT

If a member of the fire department shall die, before retirement from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under Section A8.596-4 or A8.596-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

A8.596-9 REFUNDS AND REDEPOSITS

Should any member of the fire department cease to be employed as such a member, through any cause other than death or retirement or transfer to another

office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the board of supervisors to govern similar terminations of employment of other members of the retirement system. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund, the amount refunded to him or her. Should a member of the fire department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change, equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of compensation received by him or her in the fire department and he or she shall receive credit for service for which said contributions were made, according to the charter section under which his or her membership in the retirement system continues.

A8.596-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the fire department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other charter section, and not redeposited upon reentry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department.

(b) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the retirement system or for which the City and County contributed or contributes on his or her account.

A8.596-11 SOURCES OF FUNDS

All payments provided for members under Section A8.596 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.596 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Section A8.596-8, A8.596-9 and A8.596-10. A member's individual account under Section A8.596 shall include all monies previously credited to the member's account under Section A8.585.

(b) The dependent contributions of each member under this section which shall be required of each member throughout his or her membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under Section A8.596-2, and upon he or she first qualifying as to age and service for retirement under that section, one-third of the portion of his or her allowance, which is to be continued under Section A8.596-5 after his or her death and throughout the life of a surviving spouse whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in the performance of duty, said member has no spouse who would qualify for the

continuance of the allowance to him or her after the death of said member, or upon retirement for disability resulting from other causes, regardless of his or her marital conditions, the dependent contributions with accumulated interest thereon, shall be paid to him or her forthwith. The dependent rate of contribution, however, shall not exceed the difference between seven percent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(c) The City and County shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.596-11, to provide the benefits payable to members under Section A8.596. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.596 in accordance with the provisions of Section A8.510.

(d) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.596, shall be a part of the fund in which all other assets of said system are included.

(e) Any year in which, based upon the retirement system's annual actuarial valuation, the employer contribution rate exceeds 0%, the employee organizations representing safety members shall jointly meet and confer with city representatives to implement a cost sharing arrangement between the city and employee organizations. Such arrangement will effect a material reduction of the cost impact of employer contributions on the city's general fund.

The dollar value of the cost sharing arrangement shall not exceed the total annual cost to the retirement system of improving the police and fire safety retirement plans to the 3%@55 benefit level or the total employer contribution required by the retirement system, whichever is lesser. Such cost sharing arrangement shall not require an employee contribution in excess of the limits set elsewhere in this charter.

The meet and confer process, including all impasse procedures under section A8.590-1 et seq., shall be concluded not later than April 1st except by mutual agreement of the parties. The cost sharing arrangement must be finalized to permit implementation effective July 1.

The retirement board's authority under charter section 12.100 and in section A8.510 concerning the annual setting of the rates of contribution are not subject to the meet and confer process, including all impasse procedures under section A8.590-1 et seq.

A8.596-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.596-2 as requisite to retirement, a member of the fire department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.596-2, and nothing shall deprive said member of said right.

A8.596-13 LIMITATION IN EMPLOYMENT DURING RETIREMENT

Except as otherwise provided in Section A 8.511 of this charter, no person retired as a member under Section A8.596 for service or disability and entitled to receive a retirement allowance under the retirement system shall serve in any elective or appointive position in the City and County service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the City and County after retirement, provided that service as an election officer or juror, or in the preparation for, or the giving of, testimony as an expert witness for or on behalf of the City and County of San Francisco before any court or legislative body shall not be affected by this section.

A8.596-14 VESTING

Notwithstanding any provisions of this charter to the contrary, should any member of the fire department who is a member of the Retirement System under Charter Section A8.596 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.596-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. The provisions of Section A8.596-14 shall not apply to any members of the retirement system under Section A8.585 who terminated before January 1, 2003 or their continuants. No vesting retirement allowance under this section shall exceed ninety (90%) percent of the member's final compensation.

Any member of the fire department convicted of a crime involving moral turpitude committed in connection with his or her duties as a member of the fire department shall, upon termination of his or her employment pursuant to the provisions of this charter, forfeit all right to any benefits under this section except refund of his or her accumulated contributions.

Every retirement or death allowance payable to or on account of any member under Section A8.596-14 shall be adjusted in accordance with the provisions of Section A8.596-6 provided that if the member's accrued service credit is less than 25 years the Section A8.596-6 adjustment will be multiplied by a fraction where the denominator is 25 and the numerator is equal to the member's accrued service credit at the date of termination.

A8.597 MEMBERS OF THE POLICE DEPARTMENT ON JANUARY 1, 2003 WHO ARE MEMBERS OF THE RETIREMENT SYSTEM UNDER CHARTER SECTION A8.586, AND MEMBERS OF THE POLICE DEPARTMENT AFTER JANUARY 1, 2003.

Members of the police department on January 1, 2003 who are members of the retirement system under Section A8.586, and persons who become members of the police department, as defined in Section A8.597-1, after January 1, 2003, shall be members of the retirement system subject to the provisions of Sections A8.597 through A8.597-15 (which shall apply only to members under Section A8.597) in addition to the provisions contained in Sections 12.100 to 12.103 and Sections 8.500, 8.510, 8.520 and 8.526 of this charter, notwithstanding the provisions of any other section of this charter, and shall not be subject to any of the provisions of Sections A8.586 of this charter.

The provisions of section A8.597 shall not apply to any member of the retirement system under section A8.586 who separated from service, retired or died before January 1, 2003, or to his or her continuant; provided, however, that the provisions of section A8.597-2 shall apply to the adjustment required in Sections A8.586-3, A8.586-4 and A8.586-5 for a retired member or his or her surviving spouse or continuant when the retired member would not have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years until after January 1, 2003.

A8.597-1 DEFINITIONS

The following words and phrases as used in this Section, Section A8.597 and Section A8.597-2 through A8.597-14, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the police department, but excluding remuneration paid for overtime.

Subject to the requirement that it be payable in cash and that overtime be excluded, "compensation" for pension purposes may be defined in a collective

bargaining agreement. Provided, however, that for retirement purposes, any increase in compensation attached to a rank which is based solely upon the possession of a POST certificate, compared to the equivalent rank without a POST certificate, shall be subject to the following limitations:

(a) for possession of the intermediate POST certificate, no more than 4% shall be included in compensation,

(b) for possession of the advanced POST certificate, no more than an additional 2% over the maximum provided in subsection (a), above, shall be included in compensation. These limits shall apply to any pay increments which are solely attributable to the possession of a POST certificate, including but not limited to premiums or special ranks which may be established in the future and which are solely attributable to the possession of a POST certificate.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the police department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earnable by a member during any one year of credited service in which his or her average compensation is the highest.

For purposes of calculation of final compensation, any increase in pay solely attributable to possession of a POST certificate shall be included only if the member possesses the qualifying POST certificate for a period of not less than four (4) years prior to his or her retirement date; provided, however, that should a member possess the qualifying POST certificate for a period of time less than four (4) years prior to retirement, final compensation shall be calculated based upon the monthly compensation in the next lower rank not requiring possession of the qualifying POST certificate.

For the purpose of Section A8.597 through A8.597-14, the terms "member of the police department," "member of the department," or "member" shall mean any member of the police department on January 1, 2003 who was an active member of the retirement system under Section A8.586, and any officer or employee of the police department employed after January 1, 2003 who was or shall be subject to the charter provisions governing entrance requirements of members of the uniformed force of said department and said terms shall further mean persons employed after January 1, 2003 at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform duties now performed under the titles of criminologist, photographer, police woman or jail matron; provided, however, that said terms shall not include any person who has not satisfactorily completed such course of training as may be required by the police department prior to assignment to active duty with said department.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the charter.

"Retirement board" shall mean "retirement board" as created in Section 3.670 of the charter.

"Charter" shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

A8.597-2 SERVICE RETIREMENT

Any member of the police department who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.597-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of final compensation

(as defined in Section A8.597-1) set forth below opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section A8.597-10:

Retirement Age	Percent for Each Year of Credited Service
50	2.400
50.25	2.430
50.5	2.460
50.75	2.490
51	2.520
51.25	2.550
51.5	2.580
51.75	2.610
52	2.640
52.25	2.670
52.5	2.700
52.75	2.730
53	2.760
53.25	2.790
53.5	2.820
53.75	2.850
54	2.880
54.25	2.910
54.5	2.940
54.75	2.970
55+	3.000

In no event, however, shall such a retirement allowance exceed ninety (90) percent of a member's final compensation.

A8.597-3 RETIREMENT FOR INCAPACITY

Any member of the police department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.597-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.597-1. Said allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the rank held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.597-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.597-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.597-2, but not less than 50 percent of said final compensation. Any member of the police department who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.597-10, shall be retired upon an allowance of 1-1/2 percent of the final compensation of said member as defined in Section A8.597-1 for each year of service, provided that said allowance shall not be less than 33-1/3 percent of said final compensation. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the police commission or by said member or his or her guardian. If his or her disability

shall cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

A8.597-4 DEATH ALLOWANCE

If a member of the police department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to three-fourths of the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the rank held by him or her at death, and after said date the allowance payable shall be equal to three-fourths of the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to three-fourths of the retirement allowance of the member, except that if he or she was a member under Section A8.597 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

A8.597-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the police department resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section A8.597-2, or after retirement service or because of disability which result from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was

at his or her death, as the case may be, shall be continued throughout his or her life or until remarriage to his or her surviving spouse, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section A8.597-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, three-fourths of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.597-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.597-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children, under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however shall be paid under this section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her retirement if he or she had retired.

As used in this section and Section A8.597-4 "surviving spouse" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving spouse, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.597-8, in lieu of the allowance which otherwise would be continued to him or her under this section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section A8.597 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.597-10.

A8.597-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.597 shall be adjusted in accordance with the provisions of Subsection (b) of Section A8.526 of this charter.

A8.597-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the police department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

A8.597-8 DEATH BENEFIT

If a member of the police department shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section A8.597-4 or A8.597-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

A8.597-9 REFUNDS AND REDEPOSITS

Should any member of the police department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the board of supervisors to govern similar terminations of employment of other members of the retirement system. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund the amount refunded to him or her. Should a member of the police department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of compensation received by him or her in the police department and he or she shall receive credit for service for which said contributions were made, according to the charter section under which his or her membership in the retirement system continues.

A8.597-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the police department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department.

(b) Time prior to January 1, 2003, during which said member was entitled to receive compensation while a member of the police or fire department under any other section of the charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the retirement board; and solely for the purpose of determining qualification for retirement under Section A8.597-3 for disability not resulting from injury received in or illness caused by performance of duty, time during which said member serves and receives compensation because of services rendered in other offices and departments.

(c) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the retirement system or for which the City and County contributed or contributes on his or her account.

A8.597-11 SOURCES OF FUNDS

All payments provided for members under Section A8.597 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.597 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Section A8.597-8, A8.597-9 and A8.597-10. A member's individual account under Section A8.597 shall include all monies previously credited to the member's account under Section A8.586.

(b) The City and County shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.597-11, to provide the benefits payable to members under Section A8.597. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.597 in accordance with the provisions of Section A8.510.

(c) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.597, shall be a part of the fund in which all other assets of said system are included.

(d) Any year in which, based upon the retirement system's annual actuarial valuation, the employer contribution rate exceeds 0%, the employee organizations representing safety members shall jointly meet and confer with city representatives to implement a cost sharing arrangement between the city and employee organizations. Such arrangement will effect a material reduction of the cost impact of employer contributions on the city's general fund.

The dollar value of the cost sharing arrangement shall not exceed the total annual cost to the retirement system of improving the police and fire safety retirement plans to the 3%@55 benefit level or the total employer contribution required by the retirement system, whichever is lesser. Such cost sharing arrangement shall not require an employee

contribution in excess of the limits set elsewhere in this charter.

The meet and confer process, including all impasse procedures under section A8.590-1 et seq., shall be concluded not later than April 1st except by mutual agreement of the parties. The cost sharing arrangement must be finalized to permit implementation effective July 1.

The retirement board's authority under charter section 12.100 and in section A8.510 concerning the annual setting of the rates of contribution are not subject to the meet and confer process, including all impasse procedures under section A8.590-1 et seq.

A8.597-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.597-2 as requisite to retirement, a member of the police department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.597-2, and, except as provided in the following paragraph, nothing shall deprive said member of said right.

Any member of the police department convicted of a crime involving moral turpitude committed in connection with his or her duties as a member of the police department shall, upon termination of his or her employment pursuant to the provisions of this charter, forfeit all rights to any benefits under the retirement system except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section A8.597-2, he or she shall have the right to elect, without right of revocation and within 90 days of the termination of his or her employment, whether to withdraw all of his or her accumulated contributions or to receive as his or her sole benefit under the retirement system an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such termination of employment.

A8.597-13 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this charter and in Subsection (b) of this section, no person retired as a member under Section A8.597 for service or disability and entitled to receive a retirement allowance under the retirement system shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the retirement system under Section A8.597, he or she shall re-enter membership under Section A8.597 and his or her retirement allowance shall be cancelled immediately upon his or her re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section A8.597. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the retirement board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an

amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

A8.597-14 CONFLICTING CHARTER PROVISIONS

Any section or part of any section in this charter, insofar as it should conflict with the provisions of Section A8.597 through A8.597-15 or with any part thereof, shall be superseded by the contents of said sections. In the event that any word, phrase, clause or section of said sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

A8.597-15 VESTING

Notwithstanding any provisions of this charter to the contrary, should any member of the police department who is a member of the Retirement System under Charter Section A8.597 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.597-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. No vesting retirement allowance under this section shall exceed ninety (90%) percent of the member's final compensation. The provisions of Section A8.597-15 shall not apply to any members of the retirement system under Section A8.586 who terminated before January 1, 2003 or their continuants.

A8.598 MEMBERS OF THE FIRE DEPARTMENT ON JANUARY 1, 2003 WHO ARE MEMBERS OF THE RETIREMENT SYSTEM UNDER CHARTER SECTION A8.588, AND MEMBERS OF THE FIRE DEPARTMENT AFTER JANUARY 1, 2003.

Members of the fire department on January 1, 2003 who are members of the retirement system under Section A8.588, and persons who become members of the fire department, as defined in Section A8.598-1, after January 1, 2003, shall be members of the retirement system subject to the provisions of Sections A8.598 through A8.598-15 (which shall apply only to members under Section A8.598) in addition to the provisions contained in Sections 12.100 to 12.103 and Sections 8.500, 8.510, 8.520 and 8.526 of this charter, notwithstanding the provisions of any other section of this charter, and shall not be subject to any of the provisions of Sections A8.588 of this charter.

The provisions of section A8.598 shall not apply to any member of the retirement system under section A8.588 who separated from service, retired or died before January 1, 2003, or to his or her continuant; provided, however, that the provisions of section A8.598-2 shall apply to the adjustment required in Sections A8.588-3, A8.588-4 and A8.588-5 for a retired member or his or her surviving spouse or continuant when the retired member would not have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years until after January 1, 2003.

A8.598-1 DEFINITIONS

The following words and phrases as used in this Section, Section A8.598 and Section A8.598-2 through A8.598-14, unless a different meaning is plainly required by the context, shall have the following meanings:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Workers' Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the City and County, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the fire department, but excluding remuneration paid for overtime. Subject to the requirement that it be payable in cash and that overtime be excluded, "compensation" for pension purposes may be defined in a collective bargaining agreement.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him or her during such period, it being assumed that during any absence, he or she was in the rank or position held by him or her at the beginning of the absence, and that prior to becoming a member of the fire department, he or she was in the rank or position first held by him or her in such department.

"Benefit" shall include "allowance," "retirement allowance," "death allowance" and "death benefit."

"Final compensation" shall mean the average monthly compensation earnable by a member during any one year of credited service in which his or her average compensation is the highest.

For the purpose of Section A8.598 through A8.598-14, the terms "member of the fire department," "member of the department," or "member" shall mean any member of the fire department on January 1, 2003 who was an active member of the retirement system under Section A8.588, and any officer or employee of the fire department employed after January 1, 2003 who was or shall be subject to the charter provisions governing entrance requirements of members of the uniformed force of said department and said terms shall further mean persons employed after January 1, 2003 at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform duties now performed under the titles of pilot of fireboats, or marine engineer of fireboats; provided, however, that said terms shall not include any person who has not satisfactorily completed such course of training as may be required by the fire department prior to assignment to active duty with said department.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in Section A8.500 of the charter.

"Retirement board" shall mean "retirement board" as created in Section 3.670 of the charter.

"Charter" shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter gender, words used in the feminine gender shall include the masculine and neuter gender, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

A8.598-2 SERVICE RETIREMENT

Any member of the fire department who completes at least five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under Section A8.598-10, may retire for service at his or her option. A member retired after meeting the service and age requirements in the preceding sentence, shall receive a retirement allowance equal to the percent of final compensation (as defined in Section A8.598-1) set forth below opposite his or her age at retirement, taken to the preceding completed quarter year, for each year of service, as computed under Section A8.598-10;

Retirement Age	Percent for Each Year of Credited Service
50	2.400
50.25	2.430
50.5	2.460
50.75	2.490
51	2.520
51.25	2.550
51.5	2.580
51.75	2.610
52	2.640
52.25	2.670
52.5	2.700
52.75	2.730
53	2.760
53.25	2.790
53.5	2.820
53.75	2.850
54	2.880
54.25	2.910
54.5	2.940
54.75	2.970
55+	3.000

In no event, however, shall such a retirement allowance exceed ninety (90) percent of a member's final compensation.

A8.598-3 RETIREMENT FOR INCAPACITY

Any member of the fire department who becomes incapacitated for the performance of his or her duty by reason of any bodily injury received in, or illness caused by the performance of his or her duty, shall be retired. If he or she is not qualified for service retirement, he or she shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in Section A8.598-1, as his or her percentage of disability is determined to be. The percentage of disability shall be as determined by the Workers' Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five affirmative votes, adjust the percentage of disability as determined by said appeals board; and provided, further, that such retirement allowance shall be in an amount not less than 50 percent nor more than 90 percent of the final compensation of said member, as defined in Section A8.598-1. Said allowance shall be paid to him or her until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years had he or she lived and rendered service without interruption in the rank held by him or her at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in Section A8.598-1, he or she would have received immediately prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation.

If, at the time of retirement because of disability, he or she is qualified as to age and service for retirement under Section A8.598-2, he or she shall receive an allowance equal to the retirement allowance which he or she would receive if retired under Section A8.598-2, but not less than 50 percent of said final compensation. Any member of the fire department who becomes incapacitated for performance of his or her duty by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least 10 years of service in the aggregate, computed as provided in Section A8.598-10, shall be retired upon an allowance of 1-1/2 percent of the final compensation of said member as defined in Section A8.598-1 for each year of service, provided that said allowance shall not be less than 33-1/3 percent of said final compensation. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the fire commission or by said member or his or her guardian. If his or her disability shall cease, his or her retirement allowance shall cease and he or she shall be restored to the service in the rank he or she occupied at the time of his or her retirement.

A8.598-4 DEATH ALLOWANCE

If a member of the fire department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his or her duty, a death allowance, in lieu of any allowance, payable under any other section of the charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his or her surviving spouse throughout his or her life or until his or her remarriage. If the member, at the time of death, was qualified for service retirement, but he or she had not retired, the allowance payable shall be equal to three-fourths of the retirement allowance which the member would have received if he or she had been retired for service on the date of death, but such allowance shall not be less than 50 percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the compensation of said member at the date of death, until the date upon which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, had he or she lived and rendered service without interruption in the rank held by him or her at death, and after said date the allowance payable shall be equal to three-fourths of the retirement allowance said member would have received if retired for service on said date, based on the final compensation he or she would have received prior to said date, had he or she lived and rendered service as assumed, but such allowance shall not be less than 50 percent of such final compensation. If he or she had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to three-fourths of the retirement allowance of the member, except that if he or she was a member under Section A8.598 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be adjusted upon the date at which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died.

If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse following the death of a member unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death.

A8.598-5 PAYMENT TO SURVIVING DEPENDENTS

Upon the death of a member of the fire department resulting from any cause other than an injury received in, or illness caused by performance of duty,

(a) if the death occurred after qualification for service retirement under Section A8.598-2, or after retirement service or because of disability which result from any cause other than an injury received in, or illness caused by performance of duty one-half of the retirement allowance to which the member would have been entitled if he or she had retired for service at the date of death or one-half of the retirement allowance as it was at his or her death, as the case may be, shall be continued throughout his or her life or until remarriage to his or her surviving spouse, or

(b) if his or her death occurred after the completion of at least 25 years of service in the aggregate but prior to the attainment of the age of 50 years, one-half of the retirement allowance to which he or she would have been entitled under Section A8.598-2 if he or she had attained the age of 50 years on the date of his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, or

(c) if his or her death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, three-fourths of his or her retirement allowance as it was at his or her death shall be continued throughout life or until remarriage to his or her surviving spouse, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have completed at least twenty-five (25) years of service in the aggregate and attained the age of fifty (50) years, in the same manner as it would have been adjusted had the member not died, or

(d) if his or her death occurred after completion of at least 10 years of service in the aggregate, computed as provided in Section A8.598-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to Section A8.598-3 if he or she had retired on the date of death because of incapacity for performance of duty shall be paid throughout life or until remarriage to his or her surviving spouse. If there is no surviving spouse entitled to an allowance hereunder, or if he or she dies or remarries before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had he or she lived and not remarried shall be paid to his or her child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children, under age of 18 years, but leave a child or children, regardless of age, dependent upon him or her for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him or her for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however shall be paid under this section to a surviving spouse unless he or she was married to the member prior to the date of the injury or onset of the illness which results in death if he or she had not retired, or unless he or she was married to the member at least one year prior to his or her retirement if he or she had retired.

As used in this section and Section A8.598-4 "surviving spouse" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving spouse, in the event of death of the member after qualification for, but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in Section A8.598-8, in lieu of the allowance which otherwise would be continued to him or her under this section. If there is no surviving spouse, the guardian of the eligible child or children may make such election, and if there are no such children, the dependent parent or parents may make such election. "Qualified for service retirement," "qualification for service retirement" or "qualified as to age and service for retirement," as used in this section and other sections to which persons who are members under Section A8.598 are subject, shall mean completion of 25 years of service and attainment of age 50, said service to be computed under Section A8.598-10.

A8.598-6 ADJUSTMENT OF ALLOWANCES

Every retirement or death allowance payable to or on account of any member under Section A8.598 shall be adjusted in accordance with the provisions of Subsection (b) of Section A8.526 of this charter.

A8.598-7 ADJUSTMENT FOR COMPENSATION PAYMENTS

That portion of any allowance payable because of the death or retirement of any member of the fire department which is provided by contributions of the City and County, shall be reduced, by the amount of any benefits other than medical benefits, payable by the City and County to or on account of such person, under any workers' compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in, or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

A8.598-8 DEATH BENEFIT

If a member of the fire department shall die, before retirement from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause if no allowance shall be payable under Section A8.598-4 or A8.598-5 preceding, a death benefit shall be paid to his or her estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his or her estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

A8.598-9 REFUNDS AND REDEPOSITS

Should any member of the fire department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his or her contributions, with interest credited thereon, shall be refunded to him or her subject to the conditions prescribed by the board of supervisors to govern similar terminations of employment of other members of the retirement system. If he or she shall again become a member of the department, he or she shall redeposit in the retirement fund the amount refunded to him or her. Should a member of the fire department become an employee of any other office or department, his or her accumulated contribution account shall be adjusted by payments to or from him or her as the case may be to make the accumulated contributions credited to him or her at the time of change equal to the amount which would have been credited to him or her if he or she had been employed in said other office or department at the rate of compensation received by him or her in the fire department and he or she shall receive credit for service for which said contributions were made, according to the charter section under which his or her membership in the retirement system continues.

A8.598-10 COMPUTATION OF SERVICE

The following time shall be included in the computation of the service to be credited to a member of the fire department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his or her service while he or she was a member under any other charter section, and not redeposited upon re-entry into service:

(a) Time during and for which said member is entitled to receive compensation because of services as a member of the police or fire department.

(b) Time prior to January 1, 2003, during which said member was entitled to receive compensation while a member of the police or fire department under any other section of the charter, provided that accumulated contributions on account of such service previously refunded are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the retirement board; and solely for the purpose of determining qualification for retirement under Section A8.598-3 for disability not resulting from injury received in or illness caused by performance of duty, time during which said member serves and receives compensation

because of services rendered in other offices and departments.

(c) Time during which said member earned compensation as a paramedic with the fire department or department of public health, provided that the accumulated contributions on account of such service are transferred to his or her Section A8.598 account or, if previously refunded, are redeposited with interest from the date of refund to the date of redeposit, at times and in the manner fixed by the retirement board. The retirement board shall require that said member execute a waiver so that any paramedic service covered by Section A8.598 is not also covered by other pension provisions in this charter. Members of the fire department on January 1, 2003, who are members of the retirement system under Section A8.598, shall execute and file said waiver on or before June 30, 2003. Persons who become members of the fire department, as defined in Section A8.598-1, after January 1, 2003, shall execute and file said waiver within 90 days after their effective date of membership. Failure to file a timely waiver shall bar any application to have such paramedic service treated as safety service under this subsection.

(d) Time during which said member is absent from a status included in Subsection (a) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Sections A8.520 and A8.521 of the charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the retirement system or for which the City and County contributed or contributes on his or her account.

A8.598-11 SOURCES OF FUNDS

All payments provided for members under Section A8.598 shall be made from funds derived from the following sources, plus interest earned on said funds:

(a) There shall be deducted from each payment of compensation made to a member under Section A8.598 a sum equal to seven percent of such payment of compensation. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his or her estate or beneficiary as provided in Section A8.598-8, A8.598-9 and A8.598-10. A member's individual account under Section A8.598 shall include all monies previously credited to the member's account under Section A8.588.

(b) The City and County shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in Subsection (a) of this Section A8.598-11, to provide the benefits payable to members under Section A8.598. Such contributions of the City and County to provide the portion of the benefits hereunder shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to persons who are members under Section A8.598 in accordance with the provisions of Section A8.510.

(c) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City and County held by the system to provide benefits for members under Section A8.598, shall be a part of the fund in which all other assets of said system are included.

(d) Any year in which, based upon the retirement system's annual actuarial valuation, the employer contribution rate exceeds 0%, the employee organizations representing safety members shall jointly meet and confer with city representatives to implement a cost sharing arrangement between

the city and employee organizations. Such arrangement will effect a material reduction of the cost impact of employer contributions on the city's general fund.

The dollar value of the cost sharing arrangement shall not exceed the total annual cost to the retirement system of improving the police and fire safety retirement plans to the 3%@55 benefit level or the total employer contribution required by the retirement system, whichever is lesser. Such cost sharing arrangement shall not require an employee contribution in excess of the limits set elsewhere in this charter.

The meet and confer process, including all impasse procedures under section A8.590-1 et seq., shall be concluded not later than April 1st except by mutual agreement of the parties. The cost sharing arrangement must be finalized to permit implementation effective July 1.

The retirement board's authority under charter section 12.100 and in section A8.510 concerning the annual setting of the rates of contribution are not subject to the meet and confer process, including all impasse procedures under section A8.590-1 et seq.

A8.598-12 RIGHT TO RETIRE

Upon the completion of the years of service set forth in Section A8.598-2 as requisite to retirement, a member of the fire department shall be entitled to retire at any time thereafter in accordance with the provisions of said Section A8.598-2, and, except as provided in the following paragraph, nothing shall deprive said member of said right.

Any member of the fire department convicted of a crime involving moral turpitude committed in connection with his or her duties as a member of the fire department shall, upon termination of his or her employment pursuant to the provisions of this charter, forfeit all rights to any benefits under the retirement system except refund of his or her accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of Section A8.598-2, he or she shall have the right to elect, without right of revocation and within 90 days of the termination of his or her employment, whether to withdraw all of his or her accumulated contributions or to receive as his or her sole benefit under the retirement system an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of such termination of employment.

A8.598-13 LIMITATION ON EMPLOYMENT DURING RETIREMENT

(a) Except as provided in Section A8.511 of this charter and in Subsection (b) of this section, no person retired as a member under Section A8.598 for service or disability and entitled to receive a retirement allowance under the retirement system shall be employed in any capacity by the City and County, nor shall such person receive any payment for services rendered to the City and County after retirement.

(b) (1) Service as an election officer or juror, or in the preparation for, or giving testimony as an expert witness for or on behalf of the City and County before any court or legislative body shall be affected by the provisions of Subsection (a) of this section.

(2) The provisions of Subsection (a) shall not prevent such retired person from serving on any board or commission of the City and County and receiving the compensation for such office, provided said compensation does not exceed $100 per month.

(3) If such retired person is elected or appointed to a position or office which subjects him or her to membership in the retirement system under Section A8.598, he or she shall re-enter membership under Section A8.598 and his or her retirement allowance shall be cancelled immediately upon his or her re-entry. The provisions of Subsection (a) of this section shall not prevent such person from receiving the compensation for such position or office. The rate of contributions of such member shall be the same as that for other members under Section A8.598. Such member's individual account shall be credited with an amount which is the actuarial equivalent of his or her annuity at the time of his or her re-entry, but the amount thereof shall not exceed the amount of his or her accumulated contributions at the time of his or her retirement. Such member shall also receive credit for his or

her service as it was at the time of his or her retirement.

(c) Notwithstanding any provision of this charter to the contrary, should any person retired for disability engage in a gainful occupation prior to attaining the age of 55 years, the retirement board shall reduce that part of his or her monthly retirement allowance which is provided by contributions of the City and County to an amount which, when added to the amount of the compensation earnable, at the time he or she engages in the gainful occupation, by such person if he or she held the position which he or she held at the time of his or her retirement, or, if that position has been abolished, the compensation earnable by the member if he or she held the position from which he or she was retired immediately prior to its abolishment.

A8.598-14 CONFLICTING CHARTER PROVISIONS

Any section or part of any section in this charter, insofar as it should conflict with the provisions of Section A8.598 through A8.598-15 or with any part thereof, shall be superseded by the contents of said sections. In the event that any word, phrase, clause or section of said sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

A8.598-15 VESTING

Notwithstanding any provisions of this charter to the contrary, should any member of the fire department who is a member of the Retirement System under Charter Section A8.598 with five years of credited service, cease to be so employed, through any cause other than death or retirement, he or she shall have the right to elect, without right of revocation and within 90 days after termination of said service, to allow his or her accumulated contributions including interest to remain in the retirement fund and to receive a retirement allowance equal to the percent set forth in Section A8.598-2 opposite his or her age at retirement, for each year of service multiplied against the final compensation of said member, calculated at termination, payable beginning no earlier than age 50. No vesting retirement allowance under this section shall exceed ninety (90%) percent of the member's final compensation. The provisions of Section A8.598-15 shall not apply to any members of the retirement system under Section A8.588 who terminated before January 1, 2003 or their continuants.

A8.500-1 RECIPROCAL PENSION BENEFITS WITHIN THE RETIREMENT SYSTEM AND WITH OTHER PUBLIC PENSION PLANS

Subject to the provisions of Section 8.500, the board of supervisors shall have the power to enact ordinances to establish reciprocal agreements with the Public Employees' Retirement System and other public agencies maintaining independent retirement systems for the purpose of extending reciprocal benefits to members of such systems as provided by state law. The board of supervisors and the retirement board shall have the power to perform all acts necessary to carry out the terms and purposes of such agreements.

Subject to the provisions of Section 8.500, the board of supervisors is further empowered to enact ordinances necessary to extend reciprocal rights to members who transfer between retirement plans established by this Charter ~~Sections 8.509, 8.559, 8.584, 8.585, 8.586, 8.588~~ provided that service under any plan for miscellaneous members ~~Sections 8.509 and 8.584~~ shall be used for qualification purposes only and not to calculate benefits under any retirement plan for members of the police or fire departments ~~Sections 8.559, 8.585, 8.586 and 8.588~~. With the exception of those members who transferred pursuant to Charter Sections A8.559-14 and A8.585-14, no ordinance enacted under this section shall extend reciprocal rights to any member who transferred from Charter section A8.559 or A8.585 to Charter section A8.509, A8.584, A8.586 or A8.588, before April 1, 1993. No ordinance enacted under this section shall extend reciprocal rights to any person who terminated his or her membership in the retirement system or retired before April 1, 1993. Subject to the above, reciprocal benefits under this paragraph shall be consistent with interpretations that have been made relative to the reciprocal benefit provisions of the Public Employees' Retirement System and 1937 County Employees' Retirement Act

which this paragraph is intended to implement. The reciprocal benefits under this section will be limited by Section 415 of the Internal Revenue Code of 1986, as amended from time to time, and no reciprocal benefits will be effective if they have an adverse impact on the tax qualified status of the retirement system under Section 401 of the Internal Revenue Code of 1986, as amended from time to time. (Amended November 2002)

A8.500-2 DOMESTIC PARTNER BENEFITS

As used in Charter sections A8.428, A8.509, A8.559, A8.584, A8.585, A8.586, *A8.587*, ~~*and*~~ A8.588, *A8.595, A8.596, A8.597 and A8.598*, "surviving wife" shall also mean and include a "surviving spouse." As used in these sections, the phrases "surviving wife" and "surviving spouse" shall also mean and include a domestic partner, provided that:

(a) there is no surviving spouse, and

(b) the member has designated his or her domestic partner as beneficiary with the retirement system, and

(c) the domestic partnership was established according to those provisions of Chapter 62 of the San Francisco Administrative Code which require the filing of a signed Declaration of Domestic Partnership with the County Clerk. In addition, the Certificate showing that the Declaration of Domestic Partnership was filed with the County Clerk must be filed with the Retirement System at least one full year immediately prior to the effective date of the member's retirement or the member's death if the member should die before retirement; provided, however, that beginning March 5, 2002, the requirement of filing a Certificate of Domestic Partnership with the Retirement System shall not apply to members who were retired on or before November 8, ~~*1994*~~*1995* and who had filed a signed Declaration of Domestic Partnership with the County Clerk at least one full year prior to the effective date of his or her retirement; and provided further that, as to any such member who was retired on or before November 8, 1995, no adjustment to a retirement allowance and no payments to a qualified surviving domestic partner shall begin before the effective date of this amendment or before the first day of the month in which an application is made to the Retirement System, which ever occurs later.

A monthly allowance equal to what would otherwise be payable to a surviving spouse shall be paid to the said surviving domestic partner, until he or she dies, marries or establishes a new domestic partnership. The domestic partner benefits under this section will be limited by Section 415 of the Internal Revenue Code of 1986, as amended from time to time. No domestic partner benefits will be effective if they have an adverse impact on the tax qualified status of the retirement system under Section 401 of the Internal Revenue Code of 1986, as amended from time to time. (Amended November 2002)

APPENDIX 61: PAID PARENTAL LEAVE

Proposition I, Adopted, November 5, 2002

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter regarding compensation during parental leave.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 5, 2002, a proposal to amend the Charter of said City and County by adding section A8.365 to read as follows:

Note: Additions are *single-underline italics*
Deletions are ~~*strike-through italics*~~

A8.365 COMPENSATION DURING PARENTAL LEAVE

Under federal, state and local law, employees are entitled to take an unpaid leave of absence in the event of pregnancy disability or to care for a child after birth or placement for adoption or foster care. But employees may not have the financial resources to take advantage of this leave. This section provides compensation to supplement state disability insurance payments, paid sick leave, compensatory time, and other forms of paid leave, to ensure that an employee will receive the equivalent of the employee's salary for 12 weeks or, if the employee is temporarily disabled by pregnancy, up to 16 weeks, while on approved leave.

In accordance with this section, eligible employees on approved Parental Leave shall receive supplemental compensation as set forth herein.

Nothing in this section shall be construed to expand, reduce or otherwise affect the total amount of leave time available to employees under federal, state, or local law, Civil Service Commission rules, or applicable memoranda of understanding between the City and County of San Francisco and employee organizations. This section is intended to supplement other available sources of income during specified periods of leave to which the employee is otherwise eligible. Except for leave mandated by law, requests for leave continue to be subject to the approval of the appointing officer.

A8.365-1 Definitions

The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Domestic Partner" shall have the same meaning as set forth in Administrative Code Section 62.1 et seq.

"Employee" shall mean any person who is appointed to a position created by or which is under the jurisdiction of the City and County, whose compensation is paid by the City and County, and who is under the control of the City and County as to employment, direction and discharge and does not include persons who occupy classified or certificated positions with the San Francisco Unified School District or the Community College District or who work for the City as independent contractors.

"Paid Leave" shall mean all paid time-off provided by the Charter, the Administrative Code, the Civil Service Rules or through a collective bargaining agreement and shall include but not be limited to vacation, sick leave, compensatory time, administrative or executive leave and floating holidays. For purposes of this section, "Paid Leave" shall not include statutory holidays.

"Parental Leave" shall mean (a) Family Medical Leave as defined below; (b) Temporary Pregnancy Disability Leave as defined below;

(a) "Family Medical Leave" shall mean leave taken pursuant to the Family and Medical Leave Act, the California Family Rights Act, or Civil Service Commission Rules, where such leave is taken after the birth of a child to the employee, the employee's spouse or the employee's domestic partner or for placement of a child with the employee's family for adoption or foster care, and has been requested and approved in accordance with the procedures set forth in those respective statutes or rules.

(b) "Temporary Pregnancy Disability Leave" shall mean disability leave taken in accordance with State law or the Civil Service Commission Rules because of an employee's inability to work, as certified by a health care provider, for reasons of pregnancy, childbirth, or related conditions, as defined by the California Fair Employment and Housing Act, Govt. Code Section 12945(b)(2) et seq.

"Supplemental Compensation" shall mean compensation paid by the City to eligible employees on Parental Leave. The amount of Supplemental Compensation shall be the employee's regular base wage less (1) accrued paid leave from the City and (2) any payments received by the employee from a federal, state or other local government agency in lieu of compensation.

A8.365-2 Eligibility

The following employees shall be eligible to receive compensation as set forth herein:

(a) Permanent, provisional, and exempt employees whose normal work week is not less than twenty (20) hours upon completion of six months of continuous service; and

(b) All other employees of the City and County of San Francisco, including "as needed" employees, who have worked one thousand and forty hours (1040) in the twelve (12) months prior to the beginning of the parental leave and whose average work week is not less than twenty hours.

A8.365-3 Duration

Employees shall receive supplemental compensation as set forth herein for a period not to exceed twelve weeks while on approved Family Medical Leave. Employees who take approved Temporary Pregnancy Disability Leave shall receive up to an additional four weeks of compensation. Such compensation shall be subject to the conditions set forth in Section A8.365-4.

A8.365-4 Supplemental Compensation

(a) Employees shall receive their regular base wage while on approved Parental Leave subject to the following conditions;

(1) Employees on approved Parental Leave shall first exhaust all accrued paid leave before receiving any Supplemental Compensation under this section. If an employee chooses not to exhaust these leaves, the total amount of the benefit for which the employee would otherwise have been eligible will be reduced by the amount of paid leave accrued by the employee as of the start of the leave.

(2) The amount of Supplemental Compensation shall be reduced by any payments received by the employee from a federal, state or other local government agency while on Parental Leave.

(3) Supplemental Compensation shall be provided for no more than twelve weeks, in the case of employees taking Family Medical Leave, or sixteen weeks, in the case of employees who take Temporary Pregnancy Disability Leave. For employees eligible for both Family Medical Leave and Temporary Pregnancy Disability Leave, Supplemental Compensation shall be provided for no more than sixteen weeks total. The twelve or sixteen week period shall be reduced by any paid leave taken after the birth of a child to the employee, the employee's spouse, or the employee's domestic partner, placement of a child with the employee's family for adoption or foster care, or taken for temporary pregnancy disability, within twelve months prior to the commencement of Parental Leave as defined herein.

(4) Under no circumstance shall an employee receive from the City supplemental compensation under this Charter section which would result in an employee receiving total compensation while on Parental Leave which is greater than the employee's regular base wage.

(b) During parental leave, the City shall continue to pay the contributions required by this Charter for retirement and health benefits, and any employer-paid employee retirement and health contributions required under the memorandum of understanding or unrepresented ordinance covering the employee. Retirement contributions shall be based on the actual amount of City pay received during the period of parental leave.

A8.365-5 Reimbursement

Any individual receiving compensation pursuant to this section shall execute an agreement providing that if the individual voluntarily separates from City service prior to returning to work for at least six months, the compensation described in Section A8.365-4 shall be treated as a loan payable with interest at a rate equal to the greater of (i) the rate received for the concurrent period by the Treasurer's Pooled Cash Account or (ii) the minimum amount necessary to avoid imputed income under the Internal Revenue Code of 1986, as amended from time to time, and any successor statute. Unless an alternative repayment schedule is agreed to by the City and the individual, such loan shall be payable in equal monthly installments over a period not to exceed 5 years, commencing 30 days following the individual's separation from City employment.

A8.365-6 Non-Vested Benefit

This Charter section creates no vested benefits. The voters expressly reserve the right to review the City's parental leave policy and the benefits provided in this section and may alter or repeal such benefits for any or no reason.

A8.365-7 Rules for Administration, Interpretation and Regulation of Parental Leave

Within 120 days of approval by the voters of this Amendment, the Department of Human Resources shall develop any procedures necessary to administer, interpret, and regulate the provisions of this section, provided that all such rules shall be approved, amended, or rejected by ordinance by the Board of Supervisors.

The amendments of this section contained in the proposition therefor submitted to the electorate on November 5, 2002 shall be effective July 1, 2003

APPENDIX 62: SUPERVISORS SALARIES

Proposition J, Adopted, November 5, 2002

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 2.100 to provide that the job of a member of the Board of Supervisors of the City and County of San Francisco is a full time position, and to provide that the Civil Service Commission shall set the Supervisors' salary once every five (5) years. The Civil Service Commission must consider salaries of other California City Councils and County Boards of Supervisors, and may also consider the Consumer Price Index (CPI).

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 5, 2002, a proposal to amend the Charter of said City and County by amending Section 2.100 to read as follows:

Note: Additions are *single-underline italics*
Deletions are ~~*strike-through italics*~~

SECTION 2.100. COMPOSITION AND SALARY.

The Board of Supervisors shall consist of eleven members elected by district.

The office of Board of Supervisors member is a full time position. ~~*Members of the Board shall be paid a salary of $37,585*~~. *The Civil Service Commission shall set the Supervisors' salary once every five years. Before the Commission determines the Supervisors' salary, it shall conduct and consider a salary survey of other full time California City Councils and County Boards of Supervisors and it may consider the Consumer Price Index (CPI).*

The Civil Service Commission shall timely transmit its determination of the Supervisors' salary to the Controller, so that funds can be set aside for that purpose. The Controller shall include the Civil Service Commission's determination in appropriate budget documents to insure implementation. This determination may not be changed except by the Civil Service Commission.

The Civil Service Commission shall establish dates for an appropriate five-year cycle for making the determinations required by this Section, in order to efficiently coordinate with City budget processes and related procedures. In order to institute this five-year cycle the initial determination may be for less than a five-year period, as determined by the Civil Service Commission.

If the City and employee organizations agree to amend the compensation provisions of existing memoranda of understanding to reduce costs, the Civil Service Commission shall review and amend the Supervisors' salary as necessary to achieve comparable cost savings in the affected fiscal year or years.

The provisions of this Section shall apply, notwithstanding any other provision of this Charter.

APPENDIX 63: ADJUSTING SERVICES AND PAYMENTS TO HOMELESS INDIVIDUALS

Proposition N, Adopted, November 5, 2002

Note: Additions are *single-underline italics*
Deletions are ~~*strike-through italics*~~

Be it ordained by the People of the City and County of San Francisco: This ordinance shall be known as The Care Not Cash Initiative

Statement of Purpose: The goal of the Care Not Cash Initiative is to provide all homeless San Franciscans without dependents, who qualify for aid through the County Assistance Programs, food, shelter/housing and health services replacing the majority of existing cash grants with these guaranteed services. This change will allow the City of San Francisco to increase mental health treatment services, expand alcohol and substance abuse programs and create more affordable housing. The initiative will bring San Francisco in line with almost every other major California County, thereby eliminating the incentive for homeless individuals who want cash rather than services to congregate here. The Care Not Cash Initiative will help reduce deaths from drug overdoses by eliminating most cash payments to homeless individuals and replacing them with guaranteed services.

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 20.57 to read as follows:

SEC. 20.57. COMPUTATION AND PAYMENT OF AID GRANTS; AMOUNTS PAYABLE.

(a) For each eligible individual or for each eligible family of two or more persons who qualify for aid under the General Assistance Program, the maximum monthly amount of aid to which such recipients are entitled is listed below.

MAXIMUM GENERAL ASSISTANCE GRANT AMOUNT

Single Individual	~~*$279*~~	*$320*
Number of Eligible Persons in Same Family		
2 Persons	~~*$501*~~	*$574*
3 Persons	~~*$565*~~	*$647*
4 Persons	~~*$673*~~	*$771*
5 Persons	~~*$767*~~	*$877*
6 Persons	~~*$861*~~	*$984*
7 Persons	~~*$946*~~	*$1,081*
8 Persons	~~*$1,030*~~	*$1,179*
9 Persons	~~*$1,113*~~	*$1,273*
10 Persons	~~*$1,196*~~	*$1,367*

In the case of more than 10 persons in a family budget unit, an additional $14 each month shall be paid for each additional person in the family budget unit. For the purpose of this Section, a family is defined as an eligible applicant/recipient and his or her spouse or "domestic partner," as defined under Section 62.2 of the San Francisco Administrative Code, and/or any of the applicant/recipient's children who are under age 18, living with, and applying for General Assistance with, such applicant/recipient, provided that such child(ren) was (were) never eligible for TANF/CalWORKs. For family budget units in which

members receive cash payments from more than one federal, State or County assistance program, except for SSI/SSP, the total aid payment shall consist of the sum of each individual's proportionate share of the aid payment for a family budget unit of the same size within each program ~~to~~ *for* which each member is eligible.

Any individual or family receiving aid pursuant to this subsection shall continue to receive the maximum monthly grant for which they were eligible prior to any reduction in the maximum monthly grant structure enacted by the Board of Supervisors, until that eligible individual or family has applied for and been denied, or has refused to apply for, assistance under the PAES, CALM, or SSIP Programs.

(b) With respect to all applicants, initial aid payments shall be conditional upon completion of the Department orientation program. In addition, with respect to each employable recipient, continuing aid shall be conditioned, at the option of the Department, upon either completion of 20 verifiable job applications per month and/or participation in a Department-approved job counseling, vocational rehabilitation, drug or alcohol treatment or work assignment program. Verifiable job applications or job searches within the meaning of this Section, Section 20.58(c), and Section 20.58.2(b)(5) of this Article, shall include, but not be limited to: (1) sending applications, resumes and cover letters to apply for available positions for which the recipient meets the minimum qualifications, with copies of these documents and the telephone number of the prospective employer provided to the Department of Human Services so they can be verified; and (2) participation by a union member in union hiring hall programs that make use of telephone job searches for currently available positions.

In addition, with respect to each unemployable recipient, continuing aid shall be conditioned upon application for, and pursuit of, SSI/SSP benefits, if eligible, and participation in a Department-approved rehabilitation program. Aid may be withheld, reduced, or discontinued for failure to meet these requirements.

(c) The Maximum General Assistance Grant may include Municipal Railway tokens ~~as an in-kind grant~~, in which event the cost of the Municipal Railway tokens to the Department of Human Services shall not be deducted from the Maximum General Assistance Grant Amounts listed above to arrive at the Maximum Cash General Assistance Grant Amount which may be issued by means of ~~warrants,~~ *in-kind assistance*, vouchers, checks, two-party checks or electronic benefit transfers. The Municipal Railway tokens shall be for the sole use of the recipient.

(d) The Maximum General Assistance Grant Amounts listed in Section 20.57 (a) of this ordinance shall be increased by any annual percentage cost of living increase to the Maximum Aid Payment, and according to the same schedule, if such an increase is implemented by the State of California in the TANF/CalWORKs program.

(e) The maximum monthly amount of aid for which an applicant is eligible shall be the Maximum General Assistance Grant Amount prorated as of the eligibility determination date, ~~less~~ *minus* any nonexempt assets and/or nonexempt personal property available to the applicant during that calendar month, *and minus the value of any prorated in-kind housing, utilities and/or meals available or provided to the applicant.* Rent, retroactive to the first of the month in which eligibility was determined, may be authorized to prevent eviction from existing housing. Applicants who anticipate receiving first-time income from other sources during the month of their application for General Assistance, shall receive the prorated maximum monthly grant amount for which they are eligible until the verified date of anticipated receipt of such other income.

(f) The maximum monthly amount of aid for which a recipient is eligible shall be the Maximum General Assistance Grant Amount, or the amount determined pursuant to Subsection (b) ~~less~~ *minus* any cash received from sources other than General Assistance which is or will be available to the recipient during the month for which aid is paid unless otherwise exempt, ~~and less~~ *minus* the

fair market value of any nonexempt personal property which is or will be available to the recipient during the month for which aid is paid, *and minus the value of any in-kind housing, utilities and/or meals available or provided to the recipient.*

(g) No grant shall be issued for less than $5.

(h) To promote the transition of General Assistance recipients to gainful employment, the Executive Director of the Department of Human Services may establish an Earned Income and Asset Disregard Program for the recipients who are employed. The Earned Income and Asset Disregard Program shall provide for disregarding a certain amount of gross income which a recipient earns as wages and savings derived therefrom when determining a recipient's General Assistance Program eligibility and grant amount. The total amount of gross income disregarded shall not exceed the sum of the following amounts: (1) all of the first $200 of recipient gross wage earnings; (2) two-thirds of the next $150 of recipient gross wage earnings; (3) one-half of the next $150 of recipient gross wage earnings; (4) one-third of the next $150 of recipient gross wage earnings; and (5) one-fifth of the next $150 of recipient gross wage earnings. All recipient gross wage earnings above $800 shall be offset on a dollar-for-dollar basis against the grant amount to which a recipient would otherwise be entitled. In addition, for recipients participating in this program up to $2,000 of recipient savings derived from the recipient's gross wage earnings shall be disregarded during the recipient's participation in this program and for up to three months thereafter. Also, if as a result of retrospective budgeting a recipient's total currently available financial resources in a month including his or her adjusted General Assistance grant, wages, and savings are less than the maximum General Assistance grant amount, the recipient shall be eligible for a grant supplement in the form of a rental expense voucher for unpaid rent in that month and up to $50 in cash so that the recipient's currently available financial resources may total up to the maximum General Assistance grant amount. This grant supplement is available a maximum of three times per year for program participants and is not available to recipients who quit a job without good cause.

Recipient gross wage earnings are defined for purposes of this Section as any income received by the recipient as payment for a recipient's labor. This Section supersedes the provisions of Subsection 20.55.2(r), Section 20.56.6, Subsections 20.56.10 (a) and (b), Subsections 20.57 (e) and (f), and Subsections 20.59.10 (d), (e) and (f) when determining recipient eligibility and when calculating the maximum monthly amount of aid for program participants. All other recipient income and assets shall continue to be offset on a dollar-for-dollar basis when calculating the grant amount to which a recipient is otherwise eligible. For recipients participating in this program, General Assistance eligibility shall be determined on a monthly basis and a recipient's grant amount shall be adjusted for gross wage earnings on the basis of retrospective budgeting in the month following the recipient's receipt of wage income. Verified expenses which exceed the total sum of a participant's grant, wages, and savings in any given month create a rebuttable presumption of ineligibility for aid.

(i) The automatic adjustment provisions of Subsection (d) are hereby suspended for fiscal year 1997-98. Adjustments for subsequent fiscal years made pursuant to this Section shall not include any adjustments for any fiscal year in which the cost of living was suspended.

Section 2. The San Francisco Administrative Code is hereby amended by amending Section 20.59.3 to read as follows:

Sec. 20.59.3 AID PAYMENTS; IN-KIND AID.

Assistance in the form of in-kind benefits, in-kind orders, ~~*vouchers*~~ or emergency *checks* ~~*issued at the General Assistance office*~~ shall be used ~~*for*~~:

(a) ~~*Emergency assistance*~~ *As aid payments*.

(b) *For applicants and recipients who declare themselves to be homeless. Applicants and*

recipients are required to provide a verifiable rent receipt, or verifiable documentation of shared housing, or verifiable documentation of rent-free housing. Self-declared homeless applicants and recipients shall receive in-kind benefits for housing, utilities, and meals. If in-kind benefits are not available, such applicants and recipients shall receive the cash assistance equivalent to the income-in-kind value of housing, utilities, and/or meals, whichever is not available, if otherwise eligible for these amounts, in the form of an emergency check. Failure to comply with the rules of a housing program that results in ejection from that housing program will be considered failure to satisfy the requirements for continuing eligibility for aid and will result in discontinuance from the General Assistance Program, subject to the notice and hearing provisions of this Article. ~~Other short term cases:~~

(*c*~~1~~) *For* Eligible persons awaiting transportation arrangements, provided that aid shall not exceed one week.

(*d*~~2~~) *For* Eligible *homeless* persons awaiting admission into a hospital or institution.

~~(e3) Cases in which a disability rating of seven days or less has been given by the General Hospital and the individual does not appear to be eligible for further aid at the termination of the disability period.~~

(*e*~~e~~) *For* Persons who have demonstrated inability to handle cash payments for necessities of life.

Section 3. The San Francisco Administrative Code is hereby amended by amending Section 20.57.1 to read as follows:

SEC. 20.57.1. HOUSING.

(a) *"Housing" shall include, but not be limited to, single occupancy residential hotels, master lease rooms, transitional housing, supportive housing programs, residential treatment facilities, shelter.*

(*b*) There shall be no reduction in the amount of General Assistance *for* ~~to~~ which an applicant or recipient is *eligible* ~~entitled~~ because he or she shares housing with others who are not members of the applicant's family as defined in Section 20.57(a). *All applicants and recipients shall be required to present a verifiable rent receipt. If the applicant or recipient is not the owner or prime lessee of the premises, a verifiable rent receipt signed by the owner or prime lessee may provide evidence of the applicant's or recipient's place of residence and monthly share of housing costs.*

(*c*) ~~Rent-free housing shall not be considered an alternative means of support. Where~~ *When* an applicant *or recipient* obtains rent-free housing, such housing shall be valued according to the ~~Value of~~ Income-in-Kind *Values* Chart set forth in Title 22 of the California Code of Regulations, Section 50511 (the "Income-in-Kind Chart"), rather than at fair market value. The value of the rent-free housing, *which is presumed to include utilities,* as determined under the Income-in-Kind Chart, shall be deducted from the maximum monthly grant amount. *If the applicant or recipient receives rent-free housing, but pays for utilities, the applicant or recipient must present a verifiable bill for utilities at that address, and a verifiable receipt for payment of any portion of that utility bill.*

(*d*~~b~~) Verified payments made directly to a housing provider on behalf of an applicant or recipient for the entire amount of the rent and/or utilities, or rent-free housing, or housing received in exchange for work, shall be assigned an in-kind value as specified by the Income-in-Kind Chart, and that value shall be deducted from the maximum monthly grant ~~to~~ *for* which that applicant or recipient is eligible.

(*e*~~c~~) *Housing, utilities and/or meals provided to applicants and recipients who are unable to provide a verifiable rent receipt, or verifiable documentation of shared housing, or verifiable documentation of rent-free housing shall be valued as in-kind housing, utilities and/or meals as specified by the Income-In-kind Chart, and that value shall be deducted from the maximum monthly grant for which that applicant or recipient is eligible.*

(*f*~~e~~) Nothing in this Section shall be construed as requiring an otherwise eligible applicant or

recipient to accept housing in a facility which is either the subject of a pending nuisance abatement proceeding before a duly authorized agency or department of the City and County or before a court of competent jurisdiction, or which theretofore has been found to be a public nuisance pursuant to any provision of any San Francisco Municipal Code by a duly authorized agency or department of the City and County or by a court of competent jurisdiction and which nuisance has not been abated.

Section 4. The San Francisco Administrative Code is hereby amended by adding Section 20.57.6A. to read as follows:

Sec.20.57.6A. Special Allowances; Income-in-kind Value Exceeds Monthly Maximum Grant.

A special allowance of up to $59.00 per month shall be made available, in the form of an emergency check, to any recipient when the income-in-kind value of housing, and/or utilities, and/or meals provided to that recipient exceeds the maximum monthly grant for which that recipient is eligible. If such income-in-kind value does not exceed the maximum monthly grant for which that recipient is eligible, but allows for less than $59.00 cash per month, that recipient shall receive an amount, in the form of an emergency check, that when added to the maximum monthly grant for which that recipient is eligible equals $59.00 cash per month. This section shall not affect the collection of overpayments due to fraud, negligent failure to report facts, or administrative error as set forth in this Article.

Section 5. The San Francisco Administrative Code is hereby amended by adding Section 20.60.12 to read as follows:

Sec. 20.60.12. Funding.

A baseline appropriation for housing and related services provided as in-kind aid shall be established using the City and County of San Francisco FY 2002-2003 Annual Appropriation Ordinance and any supplemental appropriations for the amount of cash aid payments to applicants and recipients who declare themselves to be homeless. In subsequent fiscal years, this baseline amount shall be appropriated to the Department of Human Services to fund housing and related services for homeless adults without dependents. This funding may be used to support, but shall not be limited to, some or all of the following: hotel master lease programs, permanent supportive housing, improvements of conditions in existing shelters, expansion of shelter capacity, mental health and substance abuse treatment, outreach, a fund for rental deposits, SSI advocacy programs, rep-payee services, case management and meals for the homeless population through direct services and/or contracts.

Section 6. The San Francisco Administrative Code is hereby amended by adding Section 20.60.13 to read as follows:

Sec. 20.60.13 Evaluation.

The provision of in-kind aid is to be evaluated by the Office of the Controller of the City and County of San Francisco every three years for program effectiveness and cost efficiency.

Section 7. The San Francisco Administrative Code is hereby amended by adding Section 20.60.14 to read as follows:

Sec. 20.60.14 Operative Date of Amendments.

The provisions of this amendment, Sections 20.59.3(b); 20.57.1(a),(b),(c),(e); 20.57.6A; 20.60.12; and 20.60.13 shall become operative on or before July 1, 2003.

Section 8. The San Francisco Administrative Code is hereby amended by amending Section 20.76, to read as follows:

SEC. 20.76. PAES STIPENDS.

(a) For each eligible individual or for each eligible family budget unit of two or more persons who qualify for stipends under this Article, the maximum monthly stipend amount which participants shall receive is listed below.

MAXIMUM PAES STIPEND AMOUNT

Single Individual	~~$345~~	$395
Number of Eligible Persons in Same Family		
2 Persons	~~$567~~	$649
3 Persons	~~$703~~	$804
4 Persons	~~$834~~	$955
5 Persons	~~$952~~	$1,089
6 Persons	~~$1,070~~	$1,223
7 Persons	~~$1,175~~	$1,343
8 Persons	~~$1,281~~	$1,464
9 Persons	~~$1,388~~	$1,586
10 Persons	~~$1,508~~	$1,723

In the case of more than 10 persons in a family budget unit, an additional $25 each month shall be paid for each additional person in the family budget unit. For Family Budget Units in which members receive cash payments from more than one federal, State or County assistance program, except for SSI/SSP, the total aid payment shall consist of the sum of each individual's proportionate share of the aid payment for a family budget unit of the same size within each program *for* ~~to~~ which each member is eligible.

(b) The maximum monthly PAES stipend for which an applicant is eligible shall be the maximum monthly PAES stipend prorated as *of* the eligibility determination date, minus any nonexempt cash available to the applicant during that calendar month, ~~and~~ minus the fair market value of any nonexempt personal property available to the applicant during that calendar month, *and minus the value of any prorated in-kind housing, utilities and/or meals available or provided to the applicant.* A rent payment, retroactive to the first of the month in which eligibility is determined, may be authorized to prevent eviction from existing housing.

(c) The maximum monthly PAES stipend for which a participant is eligible shall be the maximum PAES stipend ~~less~~ *minus* any nonexempt cash received from sources other than PAES which is available to the participant during the month for which the stipend is paid, ~~and less~~ *minus* the fair market value of any nonexempt personal property which is, or will be, available to the participant during the month for which the stipend is paid, *and minus the value of any in-kind housing, utilities and/or meals available or provided to the participant.*

(d) No PAES stipend shall be issued for less than $5.00.

(e) PAES assistance and stipends may be provided in the form of vouchers, checks, two-party checks, checks, electronic benefit transfers, in-kind benefits, and/or through third party contracts.

(f) PAES stipends may be made payable only to the participant or, upon the participant's written authorization, to the participant and a designated co-payee, or to a representative payee.

(g) PAES stipends may be mailed directly to the participant or to the designated representative payee. PAES stipends may be made by electronic benefits transfer. PAES stipends may be picked up at a location designated by the Department. PAES stipends shall not be mailed to a post office box, a mail receiving service, or to an address outside the City and County of San Francisco, except upon specific authorization of the Executive Director.

(h) The Maximum PAES Stipend Amounts listed in Section 20.76(a) of this Article shall be increased by any annual percentage cost of living increase to the Maximum Aid Payment, and according to the same schedule, if such an increase is implemented by the State of California in the TANF/CalWORKs program.

(i) Participants may be provided with assistance, as specified in Subsection (e) above, to help pay, in full or in part, ancillary work-related expenses.

(j) Applicants and recipients are required to provide a verifiable rent receipt, or verifiable documentation of shared housing, or verifiable documentation of rent-free housing. Self-declared homeless applicants and recipients shall receive in-kind benefits for housing, utilities and meals. If in-kind benefits are not available, such applicants and recipients shall receive the income-in-kind value of housing, utilities, and/or meals, whichever is not available, in the form of

an emergency check, if otherwise eligible for these amounts. Failure to comply with the rules of a housing program that results in ejection from that housing program will be considered failure to satisfy the requirements for continuing eligibility for aid and will result in discontinuance from PAES, subject to the notice and hearing provisions of this Article.

(k) A special allowance of up to $59.00 per month shall be made available, in the form of an emergency check, to any recipient when the income-in-kind value of housing, and/or utilities, and/or meals provided to that recipient exceeds the maximum monthly stipend for which that recipient is eligible. If such income-in-kind value does not exceed the maximum monthly stipend for which that recipient is eligible, but allows for less than $59.00 cash per month, that recipient shall receive an amount, in the form of an emergency check, when added to the maximum monthly stipend for which that recipient is eligible that equals $59.00 cash per month. This section shall not affect the collection of overpayments due to fraud, negligent failure to report facts or administrative error as set forth in this Article.

Section 9. The San Francisco Administrative Code is hereby amended by amending Section 20.76.3, to read as follows:

SEC. 20.76.3. HOUSING.

(a) "Housing" shall include, but not be limited to, single occupancy residential hotels, master lease rooms, transitional housing, supportive housing programs, residential treatment facilities, shelter.

(ba) There shall be no reduction in the PAES stipend *for which* an applicant/participant *is eligible* ~~receives~~ because s/he shares housing with others who are not members of the applicant's/participant's family budget unit as defined under this Article. *All applicants/participants shall be required to present a verifiable rent receipt. If the applicant/participant is not the owner or prime lessee of the premises, a verifiable rent receipt signed by the owner or prime lessee may provide evidence of the applicant's/participant's place of residence and monthly share of housing costs.*

(c) When ~~Where~~ an applicant/participant obtains rent-free housing, such housing shall be valued according to ~~Value of~~ Income-in-Kind *Values* Chart set forth under Title 22 of the California Code of Regulations, Section 50511 (the Income-in-Kind Chart"), rather than at fair market value. The value of the rent-free housing, *which is presumed to include utilities,* as determined under the Income-in-Kind Chart, shall be deducted from the maximum monthly stipend amount. *If the applicant or recipient receives rent-free housing, but pays for utilities, the applicant or recipient must present a verifiable bill for utilities at that address, and a verifiable receipt for payment of any portion of that utility bill.* ~~In addition, all applicants/participants shall be required to present a verifiable rent receipt. If the applicant/participant is not the owner or prime lessee of the premises, a verifiable rent receipt signed by the owner or prime lessee may provide evidence of the applicant's/ participant's place of residence and share of housing costs.~~

(db) Verified payments made directly to a housing provider on behalf of an applicant/participant for the entire amount of the rent and/or utilities, or rent-free housing, or housing received in exchange for work, shall be assigned an in-kind value as specified by the Income-in-Kind Chart and that value shall be deducted from the maximum monthly stipend ~~to~~ *for* which that applicant/participant is eligible.

(e) Housing and/or meals provided to applicants and recipients who are unable to provide a verifiable rent receipt, or verifiable documentation of shared housing, or verifiable documentation of rent-free housing shall be valued as in-kind housing, utilities and/or meals as specified by the Income-In-kind Chart, and that value shall be deducted from the maximum monthly stipend for which that applicant or recipient is eligible.

(fe) Nothing in this Section shall be construed as requiring an otherwise eligible applicant/participant to accept housing in a facility which is either the subject of a pending nuisance

abatement proceeding before a duly authorized agency or department of the City and County or before a court of competent jurisdiction, or which theretofore has been found to be a public nuisance pursuant to any provision of any San Francisco Municipal Code by a duly authorized agency or department of the City and County or by a court of competent jurisdiction and which nuisance has not been abated.

Section 10. The San Francisco Administrative Code is hereby amended by adding Section 20.94, to read as follows:

Sec. 20.94. Funding.

A baseline appropriation for housing and related services provided as in-kind aid shall be established using the City and County of San Francisco FY 2002-2003 Annual Appropriation Ordinance and any supplemental appropriations for the amount of cash aid payments to applicants and recipients who declare themselves to be homeless. In subsequent fiscal years, this baseline amount shall be appropriated to the Department of Human Services to fund housing and related services for homeless adults without dependents. This funding may be used to support, but shall not be limited to, some or all of the following: hotel master lease programs, permanent supportive housing, improvements of conditions in existing shelters, expansion of shelter capacity, mental health and substance abuse treatment, outreach, a fund for rental deposits, SSI advocacy programs, rep-payee services, case management and meals for the homeless population through direct services and/or contracts.

Section 11. The San Francisco Administrative Code is hereby amended by adding Section 20.95 to read as follows:

Sec. 20.95. Evaluation.

The provision of in-kind aid is to be evaluated by the Office of the Controller of the City and County of San Francisco every three years for program effectiveness and cost efficiency.

Section 12. The San Francisco Administrative Code is hereby amended by adding Section 20.96 to read as follows:

Sec. 20.96. Operative Date of Amendments.

The provisions of this amendment, Sections 20.76 (b), (c), (j), (k), 20.76.3(a), (b), (c), (e); 20.94; and 20.95 shall become operative on or before July 1, 2003.

Section 13. The San Francisco Administrative Code is hereby amended by amending Section 20.106, to read as follows:

SEC. 20.106. CALM PAYMENTS.

(a) For each eligible individual or for each eligible family budget unit of two or more persons who qualify for assistance under the CALM Program, the maximum monthly payment amount which recipients shall receive is listed below.

MAXIMUM CALM PAYMENT A*M*~~CC~~OUNT		
Single Individual	~~$345~~	$395
Number of Eligible Persons in Same Family		
2 Persons	~~$567~~	$649
3 Persons	~~$703~~	$804
4 Persons	$834	$955
5 Persons	~~$952~~	$1,089
6 Persons	~~$1,070~~	$1,223
7 Persons	~~$1,175~~	$1,343
8 Persons	~~$1,282~~	$1,464
9 Persons	~~$1,388~~	$1,586
10 Persons	~~$1,508~~	$1,723

In the case of more than 10 persons in a family budget unit, an additional $25 each month shall be paid for each additional person in the family budget unit. For family budget units in which members receive cash payments from more than one federal, State or County assistance program, except for SSI/SSP, the total aid payment shall

consist of the sum of each individual's proportionate share of the aid payment for a family budget unit of the same size within each program *for* ~~to~~ which each member is eligible.

(b) The maximum monthly CALM payment for which an applicant is eligible shall be the maximum monthly CALM payment prorated as *of* the eligibility determination date, minus any nonexempt cash available to the applicant during that calendar month, ~~and~~ minus the fair market value of any nonexempt personal property available to the applicant during that calendar month, *and minus the value of any prorated in-kind housing, utilities and/or meals available or provided to the applicant*. A rent payment, retroactive to the first of the month in which eligibility is determined, may be authorized to prevent eviction from existing housing.

(c) The maximum monthly CALM payment for which a recipient is eligible shall be the maximum CALM payment ~~less~~ *minus* any nonexempt cash received from sources other than CALM which is available to the recipient during the month for which assistance is paid, ~~and less~~ *minus* the fair market value of any nonexempt personal property which is, or will be, available to the recipient during the month for which assistance is paid, *and minus the value of any in-kind housing, utilities and/or meals available or provided to the applicant*.

(d) No CALM payment shall be issued for less than $5.00.

(e) CALM may be provided in the form of vouchers, checks, two-party checks, checks, electronic benefit transfers, in-kind benefits, and/or through third party contracts.

(f) CALM payments may be made payable only to the recipient or, upon the recipient's written authorization, to the recipient and a designated co-payee, or to a representative payee.

(g) CALM payments may be mailed directly to the recipient or to the designated representative payee. CALM payments may be made by electronic benefit transfer. CALM payments may be picked up at a location designated by the Department. CALM payments shall not be mailed to a post office box, a mail receiving service, or to an address outside the City and County of San Francisco, except upon specific authorization of the Executive Director.

(h) The Maximum CALM Payment Amounts listed in Section 20.106(a) of this Article shall be increased by any annual percentage cost of living increase to the Maximum Aid Payment, and according to the same schedule, if such an increase is implemented by the State of California in the TANF/CalWORKs program.

(i) Applicants and recipients are required to provide a verifiable rent receipt, or verifiable documentation of shared housing, or verifiable documentation of rent-free housing. Self-declared homeless applicants and recipients shall receive in-kind benefits for housing, which includes utilities and meals. If in-kind benefits are not available, such applicants and recipients shall receive the income-in-kind value of housing, utilities, and/or meals, whichever is not available, in the form of an emergency check if otherwise eligible for these amounts. Failure to comply with the rules of a housing program that results in ejection from that housing program will be considered failure to satisfy the requirements for continuing eligibility for aid and will result in discontinuance from CALM, subject to the notice and hearing provisions of this Article

(j) A special allowance of up to $59.00 per month shall be made available, in the form of an emergency check, to any recipient when the income-in-kind value of housing, and/or utilities, and/or meals provided to that recipient exceeds the maximum monthly payment for which that recipient is eligible. If such income-in-kind value does not exceed the maximum monthly payment for which that recipient is eligible, but allows for less than $59.00 cash per month, that recipient shall receive an amount, in the form of an emergency check, when added to the maximum monthly payment for which that recipient is eligible that equals $59.00 cash per month. This section shall not affect the collection of overpayments due to fraud, negligent failure to report facts or administrative error as set forth in this Article.

Section 14. The San Francisco Administrative Code is hereby amended by amending Section 20.106.2, to read as follows:

SEC. 20.106.2. HOUSING.

(a) *"Housing" shall include, but not be limited to, single occupancy residential hotels, master lease rooms, transitional housing, supportive housing programs, residential treatment facilities, shelter.*

(b) There shall be no reduction in the CALM payment *for which an* applicant/recipient is *eligible* ~~receives~~ because she/he shares housing with others who are not members of the applicant's family budget unit as defined under this Article. *All applicants/recipients shall be required to present a verifiable rent receipt. If the applicant/recipient is not the owner or prime lessee of the premises, a verifiable rent receipt signed by the owner or prime lessee may provide evidence of the applicant's/recipient's place of residence and monthly share of housing costs.*

(c) *When* ~~Where~~ an applicant obtains rent-free housing, such housing shall be valued according to Income-in-Kind Values Chart set forth under Title 22 of the California Code of Regulations, Section 50511 (the "Income-in-Kind Chart"), rather than at fair market value. The value of the rent-free housing, *which is presumed to include utilities,* as determined under the Income-in-Kind Chart, shall be deducted from the maximum monthly payment amount. ~~*In addition, all applicants/recipients shall be required to present a verifiable rent receipt. If the applicant/recipient is not the owner or prime lessee of the premises, a verifiable rent receipt signed by the owner or prime lessee may provide evidence of the applicant's/recipient's place of residence and share of monthly housing costs.*~~ *If the applicant or recipient receives rent-free housing, but pays for utilities, the applicant or recipient must present a verifiable bill for utilities at that address, and a verifiable receipt for payment of any portion of that utility bill.*

(*d*~~*b*~~) Verified payments made directly to a housing provider on behalf of an applicant or recipient for the entire amount of the rent and/or utilities, or rent-free housing, or housing received in exchange for work, shall be assigned an in-kind value as specified by the Income-in-Kind Chart and that value shall be deducted from the maximum monthly payment *for* ~~*to*~~ which that applicant or recipient is eligible.

(*e*) *Housing and/or meals provided to applicants and recipients who are unable to provide a verifiable rent receipt, or verifiable documentation of shared housing, or verifiable documentation of rent-free housing shall be valued as in-kind housing, utilities and/or meals as specified by the Income-In-kind Chart, and that value shall be deducted from the maximum monthly grant for which that applicant or recipient is eligible.*

(*f*~~*e*~~) Nothing in this Section shall be construed as requiring an otherwise eligible applicant or recipient to accept housing in a facility which is either the subject of a pending nuisance abatement proceeding before a duly authorized agency or department of the City and County or before a court of competent jurisdiction, or which theretofore has been found to be a public nuisance pursuant to any provision of any San Francisco Municipal Code by a duly authorized agency or department of the City and County or by a court of competent jurisdiction and which nuisance has not been abated.

Section 15. The San Francisco Administrative Code is hereby amended by adding Section 20.125, to read as follows:

Sec. 20.125. Funding.

A baseline appropriation for housing and related services provided as in-kind aid shall be established using the City and County of San Francisco FY 2002-2003 Annual Appropriation Ordinance and any supplemental appropriations for the amount of cash aid payments to applicants and recipients who declare themselves to be homeless. In subsequent fiscal years, this baseline amount shall be appropriated to the Department of Human Services to fund housing and related services for homeless adults without A baseline budget for the CALM Program shall be established using the City and County of San Francisco FY

2002-2003 final appropriation. In subsequent fiscal years, this baseline amount shall be appropriated to the Department of Human Services to fund housing and related services for homeless adults without dependents. This funding may be used to support, but shall not be limited to, some or all of the following: hotel master lease programs, permanent supportive housing, improvements of conditions in existing shelters, expansion of shelter capacity, mental health and substance abuse treatment, , outreach, , a fund for rental deposits, SSI advocacy programs, rep-payee services, case management, and meals for the homeless population through direct services and/or contracts.

Section 16. The San Francisco Administrative Code is hereby amended by adding Section 20.126 to read as follows:

Sec. 20.126. Evaluation.

The provision of in-kind aid is to be evaluated by the Office of the Controller of the City and County of San Francisco every three years for program effectiveness and cost efficiency.

Section 17. The San Francisco Administrative Code is hereby amended by adding Section 20.127 to read as follows:

Sec. 20.127. Operative Date of Amendments.

The provisions of this amendment, Sections 20.106(b),(c),(i),(j); 20.106.2(a),(b),(c),(e); 20.125; and 20.126 shall become operative on or before July 1, 2003.

Section 18. The San Francisco Administrative Code is hereby amended by amending Section 20.206, to read as follows:

SEC. 20.206. SSIP PAYMENTS.

(a) For each eligible individual or for each eligible family budget unit of two or more persons who qualify for assistance under the SSIP Program, the maximum monthly payment amount which recipients shall receive is listed below.

MAXIMUM SSIP PAYMENT AMOUNT

Single Individual	~~$345~~	*$395*
Number of Eligible Persons in Same Family		
2 Persons	~~$567~~	*$649*
3 Persons	~~$703~~	*$804*
4 Persons	~~$834~~	*$955*
5 Persons	~~$952~~	*$1,089*
6 Persons	~~$1,070~~	*$1,223*
7 Persons	~~$1,175~~	*$1,343*
8 Persons	~~$1,282~~	*$1,464*
9 Persons	~~$1,388~~	*$1,586*
10 Persons	~~$1,508~~	*$1,723*

In the case of more than 10 persons in a family budget unit, an additional $25 each month shall be paid for each additional person in the family budget unit. For family budget units in which members receive cash payments from more than one federal, State or County assistance program, except for SSI/ SSP, the total aid payment shall consist of the sum of each individual's proportionate share of the aid payment for a family budget unit of the same size within each program *for* ~~to~~ which each member is eligible.

(b) The maximum monthly SSIP payment for which an applicant is eligible shall be the maximum monthly SSIP payment prorated as of the eligibility determination date, minus any nonexempt cash available to the applicant during that calendar month, ~~and~~ minus the fair market value of any nonexempt personal property available to the applicant during that calendar month, and *and minus the value of any prorated in-kind housing, utilities and/or meals available or provided to the applicant.* A rent payment, retroactive to the first of the month in which eligibility is determined, may be authorized to prevent eviction from existing housing.

(c) The maximum monthly SSIP payment for which a recipient is eligible shall be the maximum SSIP payment ~~less~~ *minus* any nonexempt cash received

from sources other than SSIP which is available to the recipient during the month for which the SSIP payment is paid, ~~and less~~ *minus* the fair market value of any nonexempt personal property which is, or will be, available to the recipient during the month for which the SSIP payment is paid, *and minus the value of any in-kind housing, utilities and/or meals available or provided to the recipient.*

(d) No SSIP payment shall be issued for less than $5.00.

(e) SSIP may be provided in the form of vouchers, checks, two-party checks, checks, electronic benefit transfers, in-kind benefits, and/or through third party contracts.

(f) SSIP payments may be made payable only to the recipient or, upon the recipient's written authorization, to the recipient and a designated co-payee, or to a representative payee.

(g) SSIP payments may be mailed directly to the recipient or to the designated representative payee. SSIP payments may be made by electronic benefit transfer. SSIP payments may be picked up at a location designated by the Department. SSIP payments shall not be mailed to a post office box, a mail receiving service, or to an address outside the City and County of San Francisco, except upon specific authorization of the Executive Director.

(h) The Maximum SSIP Payment Amounts listed in Section 20.206(a) of this Article shall be increased by any annual percentage cost of living increase to the Maximum Aid Payment, and according to the same schedule, if such an increase is implemented by the State of California in the TANF/CalWORKs Program.

(i) Applicants and recipients are required to provide a verifiable rent receipt, or verifiable documentation of shared housing or verifiable documentation of rent-free housing. Self-declared homeless applicants and recipients shall receive in-kind benefits for housing, utilities and meals. If in-kind benefits are not available, such applicants and recipients shall receive the income-in-kind value of housing, utilities, and/or meals; whichever is not available, in the form of an emergency check if otherwise eligible for these amounts. Failure to comply with the rules of a housing program that results in ejection from that housing program will be considered failure to satisfy the requirements for continuing eligibility for aid and will result in discontinuance from SSIP, subject to the notice and hearing provisions of this Article.

(j) A special allowance of up to $59.00 per month shall be made available, in the form of an emergency check, to any recipient when the income-in-kind value of housing, and/or utilities, and/or meals provided to that recipient exceeds the maximum monthly payment for which that recipient is eligible. If such income-in-kind value does not exceed the maximum monthly payment for which that recipient is eligible, but allows for less than $59.00 cash per month, that recipient shall receive an amount, in the form of an emergency check, when added to the maximum monthly payment for which that recipient is eligible that equals $59.00 cash per month. This section shall not affect the collection of overpayments due to fraud, negligent failure to report facts or administrative error as set forth in this Article.

Section 19. The San Francisco Administrative Code is hereby amended by amending Section 20.206.3, to read as follows:

SEC. 20.206.3. HOUSING.

(a) *"Housing" shall include, but not be limited to, single occupancy residential hotels, master lease rooms, transitional housing, supportive housing programs, residential treatment facilities, shelter.*

(*b*~~a~~) There shall be no reduction in the SSIP payment *for which* an applicant or recipient *is eligible* ~~receives~~ because she/he shares housing with others who are not members of the applicant's/ recipient's family budget unit. *All applicants/ recipients shall be required to present a verifiable rent receipt. If the applicant/recipient is not the owner or prime lessee of the premises, a verifiable rent receipt signed by the owner or prime lessee may provide evidence of the applicant's/recipient's place of residence and share of monthly housing costs.*

(c) When ~~Where~~ an applicant/recipient obtains rent-free housing, such housing shall be valued according to the ~~Value of~~ Income-in-Kind Values Chart set forth under Title 22 of the California Code of Regulations, Section 50511 (the "Income-in-Kind Chart"), rather than at fair market value. The value of the rent-free housing, which is presumed to include utilities, as determined under the Income-in-Kind Chart, shall be deducted from the maximum monthly payment amount. ~~In addition, all applicants/recipients shall be required to present a verifiable rent receipt. If the applicant/recipient is not the owner or prime lessee of the premises, a verifiable rent receipt signed by the owner or prime lessee may provide evidence of the applicant's/recipient's place of residence and share of monthly housing costs.~~ If the applicant or recipient receives rent-free housing, but pays for utilities, the applicant or recipient must present a verifiable bill for utilities at that address, and a verifiable receipt for payment of any portion of that utility bill.

(~~d~~b) Verified payments made directly to a housing provider on behalf of an applicant or recipient for the entire amount of the rent and/or utilities, or rent-free housing, or housing received in exchange for work, shall be assigned an in-kind value as specified by the Income-in-Kind Chart and that value shall be deducted from the maximum monthly payment ~~to~~ for which that applicant or recipient is eligible.

(e) Housing and/or meals provided to applicants and recipients who are unable to provide a verifiable rent receipt, or verifiable documentation of shared housing, or verifiable documentation of rent-free housing shall be valued as in-kind housing, utilities and/or meals as specified by the Income-In-kind Chart, and that value shall be deducted from the maximum monthly stipend for which that applicant or recipient is eligible.

(~~f~~e) Nothing in this Section shall be construed as requiring an otherwise eligible applicant or recipient to accept housing in a facility which is either the subject of a pending nuisance abatement proceeding before a duly authorized agency or department of the City and County or before a court of competent jurisdiction, or which theretofore has been found to be a public nuisance pursuant to any provision of any San Francisco Municipal Code by a duly authorized agency or department of the City and County or by a court of competent jurisdiction and which nuisance has not been abated.

Section 20. The San Francisco Administrative Code is hereby amended by adding Section 20.226, to read as follows:

Sec. 20.226. Funding.

A baseline appropriation for housing and related services provided as in-kind aid shall be established using the City and County of San Francisco FY 2002-2003 Annual Appropriation Ordinance and any supplemental appropriations for the amount of cash aid payments to applicants and recipients who declare themselves to be homeless. In subsequent fiscal years, this baseline amount shall be appropriated to the Department of Human Services to fund housing and related services for homeless adults without dependents. This funding may be used to support, but shall not be limited to, some or all of the following: hotel master lease programs, permanent supportive housing, improvements of conditions in existing shelters, expansion of shelter capacity, mental health and substance abuse treatment, outreach, a fund for rental deposits, SSI advocacy programs, rep-payee services, case management, and meals for the homeless population through direct services and/or contracts.

Section 21. The San Francisco Administrative Code is hereby amended by adding Section 20.227 to read as follows:

Sec. 20.227. Evaluation.

The provision of in-kind aid is to be evaluated by the Office of the Controller of the City and County of San Francisco every three years for program effectiveness and cost efficiency.

Section 22. The San Francisco Administrative Code is hereby amended by adding Section 20.228 to read as follows:

Sec. 20.228. Operative Date of Amendment.

The provisions of this amendment, Sections 20.206(b),(c),(i),(j), 20.206.3(a),(b),(c),(e); 20.226; and 20.227 shall become operative on or before July 1, 2003.

Section 23. If any section, subsection, provision or part of this initiative ordinance, or its application to any person or circumstances, is held to be unconstitutional or invalid, the remainder of this ordinance, and the application of such provision to other persons or circumstances, shall not be affected.

APPENDIX 64: REVENUE BOND OVERSIGHT COMMITTEE

Proposition P, Adopted, November 5, 2002

Ordinance establishing a Public Utilities Revenue Bond Oversight Committee, setting forth the authority, duties and responsibilities of the Committee, and establishing qualifications for Committee membership, and related provisions.

Note: *This entire section is new.*

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code Chapter 5, Article 5 is hereby amended by adding Section 5.30 through 5.36, to read as follows:

Editor's note:

The San Francisco Administrative Code already contained sections numbered 5.30 through 5.36 when this Proposition P was enacted. To remedy the conflict, it has been placed in the Administrative Code Chapter 5, Article 5 as Sections 5A.30 through 5A.36

Sec. 5.30. Findings.

The people of the City and County find and declare that:

(a) The City's 100-year-old water, power and clean water public utility infrastructure is suffering from decades of deferred maintenance. The regional water collection and transmission system, stretching from the Tuolumne River headwaters at Hetch Hetchy to the San Francisco County Line, supplies water to the City as well as to 1.7 million residents and businesses in Alameda, Santa Clara and San Mateo Counties. This system is in need of substantial repair and/or replacement. In the event of system failure, the City and its suburban customers could be without water for up to 30 days, with portions of the service area going without water for as long as 60 days. The water distribution and wastewater treatment systems within the City are in a similar state of deterioration, threatening the health and welfare of City residents, visitors and the business community.

(b) Over the past 25 years, funds for upgrading the water collection and power generation facilities of Hetch Hetchy have been in short supply. During this same period, the waste water treatment plants have aged to the point where significant capital improvements are necessary in order for the City to remain in compliance with applicable federal and state water quality regulations.

(c) The San Francisco Public Utilities Commission ("PUC") has never prepared an integrated and coordinated long-term strategic plan consisting of a capital improvement program, a long-range financial plan, an assessment of future utility needs and the evaluation of alternative technologies, private-public partnerships and non-rate payer revenue enhancements. Focusing on short-term planning, the PUC has turned out a series of bond issues, such as Propositions A and B in 1997, which have been promoted to the voters on the basis of broad project generalities. Even within the PUC itself, the list of projects earmarked for specific bond revenues are in a constant state of flux. Projects are frequently delayed and often uncompleted years after funding was approved by the voters.

(d) Over the past 20 years, the PUC has readily consented to the transfer of "surplus" Hetch Hetchy revenues to the City's general fund.

Conservatively, these transfers have cost the PUC more than $500 million. During this same period of time, the utility infrastructure deteriorated and rates escalated dramatically.

(e) The PUC estimates that over the next 20 years, the cost of needed capital improvement projects will amount to hundreds of millions of dollars. Although the PUC's capital improvement list undoubtedly contains individual projects that should go forward as soon as practicable, the design, bidding and contract drafting process often takes years to complete. In the absence of long-term strategic planning, individual projects have been frequently delayed and, in some cases, actually abandoned as funding and project priorities unaccountably shifted over time.

(f) The health and welfare of all of the PUC's customers would be promoted by the creation of a qualified body committed to a persistent, vigorous and independent review of the expenditure of revenue bond funds for the PUC's capital improvement program over the next decade. An on-going review of this kind would be of material assistance to both the PUC and the Board of Supervisors ("Board") in ensuring that the program is carried out in compliance with all applicable laws.

Section 5.31. Establishment and Purpose.

(a) There is hereby established a Public Utilities Revenue Bond Oversight Committee (the "Committee"), which shall have the responsibility of reporting publically to the Mayor, the PUC and the Board of Supervisors ("Board") regarding the PUC's (or, to the extent allowed by law, any charter entity succeeding to the PUC's authority related to expenditure of revenue bonds) expenditure of revenue bond proceeds on the repair, replacement, upgrading and expansion of the City's water collection, power generation, water distribution and wastewater treatment facilities.

(b) The Committee shall provide oversight to ensure that: (1) The proceeds from revenue bonds authorized by the Board and/or the voters of the City are expended in accordance with the authorizing bond resolution and applicable law; (2) Bond proceeds are expended solely for uses, purposes and projects authorized in the bond resolution; and (3) Revenue bond funds are appropriately expended for authorized capital improvements so that an uninterrupted supply of water and power continues to flow to the City and to the PUC's customers. The Committee may comment to the Board of Supervisors on the development and drafting of proposed legislation pertaining to PUC revenue bonds prior to a Board determination regarding whether to submit a measure for voter approval or authorizing the issuance of revenue bonds, if voter approval is not otherwise required. The Board is not required to accept the Committee's comments or recommendations on such bond proposals. Further, the Committee shall not participate or interfere in the selection process of any vendor hired to execute bond funded projects.

(c) In furtherance of its purpose, the Committee may engage in any of the following activities:

(1) Inquiring into the disbursement and expenditure of the proceeds of PUC revenue bonds authorized and issued in accordance with the San Francisco Charter by receiving any and all reports, financial statements, correspondence or other documents and materials requested by the Committee related to the expenditure of revenue bond funds by the PUC;

(2) Holding public hearings to review the disbursement and expenditure of the proceeds of such revenue bonds;

(3) Inspecting facilities financed with the proceeds of such revenue bonds;

(4) Receiving and reviewing copies of any capital improvement project proposals or plans developed by the PUC related to the City's water, power or wastewater infrastructure and funded by bond proceeds;

(5) Reviewing efforts by the City to maximize bond proceeds by implementing cost-saving measures, including, but not limited to, all of the following: (i) mechanisms designed to reduce the costs of professional, consulting and similar fees and expenses related to site preparation and project design; (ii) recommendations regarding the cost-effective and efficient use of core

facilities; (iii) developing and using alternate technologies; and, (iv) accessing other sources of infrastructure funding, excluding bond refunding; and,

(6) Commissioning independent review and evaluation of the disbursement and expenditure of the proceeds of such revenue bonds by accessing any funds set aside for this purpose under subsection (d) of this section to retain outside auditors, inspectors and necessary experts to conduct such independent review.

(d) To the extent permitted by law, in accordance with Sections 5.35(c) and (d) of this Article, from and after the effective date of this Ordinance one-twentieth of one percent of the gross proceeds from each issuance or sale of public utility revenue bonds shall be deposited in a fund established by the Controller's Office and appropriated by the Board at the direction of the Committee to cover the costs of said Committee.

(e) The Board shall, without expending revenue bond funds, provide the Committee with appropriate clerical, technical and administrative assistance in furtherance of its purpose and provide sufficient resources to publicize the conclusions and recommendations of the Committee.

Section 5.32. Public Meetings.

All Committee proceedings shall be subject to the California Public Records Act (Sections 6250, et seq., of the Government Code of the State of California), the City's Sunshine Ordinance (Chapter 67 of this Code) and the Ralph M. Brown Act (Government Code Sections 54950, et. seq.). The Committee shali issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the Committee, and all reports issued by the Committee, shall be a matter of public record and made available on the City's website.

Section 5.33. Membership.

(a) The Committee shall consist of seven members to be appointed as follows: two members by the Mayor; two members by the Board; one member by the Controller; and one member by the governing body of the Bay Area Water Users Association. The seventh member shall be the Budget Analyst for the Board or his/her representative.

(b) At a minimum, the members appointed by the Mayor and the Board shall, individually or collectively, have expertise, skills and experience in economics, the environment, construction and project management. The member appointed by the Controller shall have background and experience in auditing, accounting and project finance.

(c) Except as expressly authorized herein, no current officer or employee of the City shall be appointed to the Committee. All members of the Committee shall be subject to applicable conflict-of-interest provisions of local and state law. No vendor, contractor or consultant of the City that performs work funded by bonds issued by the City shall be appointed to the Committee.

(d) Each Committee member will serve for no more than two consecutive terms. Upon their initial appointment, three members of the Committee shall be assigned by lot an initial term of two years and the remaining four members shall have an initial term of four years. Thereafter, each Committee member shall serve a four-year term.

(e) Each Committee member, except City employees appointed to serve as part of their official City duties and the Budget Analyst or employees of the Budget Analyst, shall be compensated at a rate of $100.00 per month during each year of the member's term of office. Such compensation shall be appropriated by the Board without expending revenue bond funds therefor.

Section 5.34. Illegal Expenditures.

(a) If, after conducting all appropriate reviews and independent audit of actual expenditures of revenue bond proceeds by the PUC (or, to the extent allowed by law, any charter entity succeeding to the PUC's authority related to expenditure of revenue bonds), the Committee, after consultation with the City Attorney, determines that revenue bond proceeds are being or have been expended for purposes not authorized by the authorizing bond resolution or otherwise amount to an illegal expenditure or illegal waste of such revenue bond proceeds

within the meaning of applicable law, the Committee may, by majority vote of all its members, prohibit the further issuance or sale of authorized public utility revenue bonds which have yet to be issued or sold.

(b) A decision by the Committee to prohibit the issuance and sale of authorized but as yet unissued or unsold revenue bonds may be appealed by the PUC to the Board within 30 days of the Committee's decision. By two-thirds vote of all its members, the Board by resolution may overturn the Committee's decision and remand the matter to the Committee for further consideration consistent with the views expressed by the Board in its resolution.

(c) Alternatively, the Committee's prohibition on the issuance or sale of authorized but unissued or unsold revenue bonds may be vacated by two-thirds vote of all the members of the Board, if the PUC, in response to the report of the Committee, provides evidence of corrective measures satisfactory to the Board.

Section 5.35. Application.

(a) All public utilities revenue bond authorizations approved either concurrent with or after the effective date of this Ordinance shall be subject to the provisions set forth herein.

(b) All bond authorizations introduced at the Board after the effective date of this Ordinance shall contain a statement incorporating the provisions of this Ordinance in such bond resolution.

(c) The provisions of this Ordinance shall also apply to all PUC public utility revenue bonds authorized, issued or offered for sale after July 1, 2002.

(d) Section 5.30 (d) of this Article shall only apply to PUC revenue bonds authorized after the effective date of this Article.

Section 5.36. Sunset and Severability.

(a) Unless the Board by ordinance re-authorizes the provisions of this Ordinance for a specified period of years, the provisions of this Ordinance shall expire on January 1, 2013.

(b) If any part or provision of this Ordinance or its application to any person or circumstance is held invalid for any reason, the remainder of this Ordinance, including its application to other persons or circumstances, shall not be affected by such a holding, and shall continue in force and effect. To this end, the provisions of this Ordinance are severable.

(c) The validity of the authorization and issuance of any bonds is not dependent on and shall not be affected in any way by any failure by the Committee, to act in accordance with the provisions of this Ordinance.

APPENDIX 65: USE OF CITY FUNDS

Proposition Q, Adopted, November 5, 2002

The Mayor hereby orders submitted to the qualified electors of the City and County of San Francisco, for the November 5, 2002 election, the following Ordinance amending the San Francisco Administrative Code. This Ordinance, if approved by a majority of such electors at such election, would prohibit the use for political activity of any funds appropriated by the City and County of San Francisco for contracts, grants and loans.

Note: Additions are *single-underline italics*

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is amended by adding Chapter 12G to read as follows:

CHAPTER 12G. PROHIBITION ON USE OF PUBLIC FUNDS FOR POLITICAL ACTIVITY BY RECIPIENTS OF CITY CONTRACTS, GRANTS, AND LOANS.

SEC. 12G.1. Prohibition.

No funds appropriated by the City and County of San Francisco for any contract, grant agreement, or loan agreement may be expended for participating in, supporting, or attempting to influence a political campaign for any candidate or ballot measure.

SEC. 12G.2. Audits.

The Controller shall annually select for audit at least ten (10) persons or entities that enter into contracts, grant agreements, or loan agreements with the City in order to ensure compliance with this section.

SEC. 12G.3. Rules and Regulations.

(a) The Controller shall promulgate any rules and regulations necessary or appropriate for the implementation of this section.

(b) All contracts, grant agreements, and loan agreements shall incorporate this Chapter by reference.

SEC. 12G.4. Penalties.

If the Controller determines that any recipient of a contract, grant agreement, or loan agreement has violated this Chapter, the violation shall be deemed a material breach of the contract, grant agreement, or loan agreement and the recipient of the contract, grant agreement, or loan agreement shall be barred for two years from receiving any City contract, grant agreement, or loan agreement.

[The next page is number 319.]

APPENDIX 66: CHILD CARE FOR LOW INCOME FAMILIES

Proposition I, Adopted, November 4, 2003

Initiative ordinance adding Article IV to Section 20 of the Administrative Code to expand access to licensed early care and education opportunities for 3 to 5 year old children of working families by creating additional subsidies for eligible families.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding a new Article IV to Chapter 20, to read as follows:

Article IV—Smart Start for San Francisco Kids

SEC. 20.100 FINDINGS. The people of the City and County of San Francisco hereby find and declare the following:

(a) California subsidizes early childhood education for children whose families earn up to 75 percent of the State Median Income, but state funding limitations allow only an estimated 50 to 60 percent of eligible San Francisco families actually to receive the subsidy; and

(b) Children who attend high quality early education programs demonstrate higher rates of high school graduation, higher incomes as adults, and lower rates of arrest, dropout, teen pregnancy, and welfare dependence; and

(c) Every $1 invested in high quality early childhood education saves approximately $7 later in remedial education, welfare, and incarceration; and

(d) California is moving toward providing universal preschool through the First Five California Commission, established by the cigarette tax approved by the electorate in 1998, and has made available $100 million to increase access to pre-school by funding demonstration projects, expanding the pre-school teacher workforce, and matching funds for counties that establish programs to raise levels of pre-school attendance; and

(e) An estimated 1,650 3 to 5 year old children in San Francisco are not receiving the state early education subsidies for which they are eligible, and these children of working parents need access to full-day, full-year care to help these families stay in San Francisco; and

(f) San Francisco has a strong, existing network of licensed early childhood education and family child care home providers to help young children become "school ready"; and

(g) San Francisco has an existing infrastructure through the Department of Children, Youth and Families and its subcontractors to administer subsidies through a voucher system for eligible families, so that expanding San Francisco children's access to early childhood education can be done without creating new rules and regulations for licensing and eligibility; and

(h) An expanded system of early childhood education in San Francisco could qualify for matching funds from the First Five California Commission; and

(i) Portable subsidies linked to the consumer rather than the agency allow parents to choose culturally, linguistically appropriate child care providers close to work or home; and

(j) Annual reports from administrators to the Board of Supervisors and the Mayor will provide program evaluation and accountability.

Sec. 20.101 DEFINITIONS. For the purposes of this Article only, the following definitions shall apply to the terms used herein:

(a) "Licensed Early Care and Education" shall mean care and educational services provided to children prior to enrollment in kindergarten, including those provided by family child care providers, as determined by the Director of the lead agency.

(b) "Eligible Working Family" shall mean a family that meets all of the following eligibility criteria:

1. The family has at least one child between the ages of 3 and 5.
2. The family resides in the City and County of San Francisco.
3. The family's income is at 75% or below of the California median income.
4. The family applies for any state subsidy for which they are eligible but does not currently receive a subsidy from the state of California pursuant to Education Code Section 8263.1.

(c) "Ages 3 to 5" shall mean any child who is at least 3 years of age and determined to be too young for kindergarten as determined by the San Francisco Unified School District.

(d) "Subsidy" shall mean the difference between the actual cost of the service and the amount allowed for by the most current "Regional Market Rate Survey of California Child Care Providers." Families will pay a family fee based on the state family fee schedule.

Sec. 20.102 SMART START FOR SAN FRANCISCO KIDS. There is hereby established a "Smart Start for San Francisco Kids" program to be administered by a lead agency designated by the Mayor within 90 days from enactment of this measure. The program shall provide a portable subsidy for licensed early care and education to any eligible working family for the purposes of providing these services to any child ages 3 to 5. Nothing in this section is intended to preclude the Mayor and the Board of Supervisors from making subsides for licensed early care and education available to children between the ages of 0 and 2.

Sec. 20.103 SMART START FOR SAN FRANCISCO KIDS FUND. There is hereby established a fund to be known as "Smart Start for San Francisco Kids Fund," which shall contain all appropriations for the implementation of this ordinance. This fund shall be a Category 8 fund, meaning that funds shall automatically be appropriated, interest shall accumulate and that any fund balance shall carry forward from year to year. The fund shall contain all monies appropriated from any lawful source for this purpose pursuant to Article IX of the City Charter, except that no funds provided by the Children's Fund (Charter Section 16.108(c)) may be used in the "Smart Start for San Francisco Kids Fund."

Sec. 20.104 PROMULGATION OF REGULATIONS. The Director of the lead agency shall have the authority to promulgate regulations in collaboration with the Department of Children, Youth and Families, the Human Services Commission, the Children and Families Commission, the Child Care Planning and Advisory Council and any interested community organizations. Such regulations shall require approval by the Children and Families Commission. On an annual basis, the director of the lead agency shall provide a report to the Mayor and the Board of Supervisors.

Sec. 20.105 EVALUATION. Within two years from the effective date of this initiative, the Controller shall audit and evaluate the efficacy of this program. The Controller shall also advise on additional steps to expand early childhood education opportunities.

Sec. 20.106 GENERAL WELFARE. In undertaking this program, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor

is it imposing on its officers, commissions, and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Section 20.107 SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this initiative or any part thereof is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The people hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

APPENDIX 67: SALES TAX FOR TRANSPORTATION

Proposition K, Adopted, November 4, 2003

Resolution approving a New Transportation Expenditure Plan and calling and providing for a special election to be held on November 4, 2003, to be consolidated with the General Municipal Election already scheduled for November 4, 2003, for the purpose of submitting to the voters an ordinance amending Sections 1401, 1402, 1403, 1404, 1405, 1406, 1408, 1413, 1414, and 1415 of, and adding Section 1419 to, Article 14 of the Business and Tax Regulations Code of the City and County of San Francisco so as to (1) authorize implementation of a New Transportation Expenditure Plan, directing the transactions and use tax ("sales and use tax") revenues to specific transportation improvements over the next 30 years and making provisions for the adoption of future expenditure plan updates; (2) continue collection of the sales and use tax at the existing level of one-half of one percent during implementation of the New Transportation Expenditure Plan and its updates; (3) continue in effect the San Francisco County Transportation Authority as the independent agency to administer the tax and oversee implementation of the projects; (4) authorize the San Francisco County Transportation Authority to issue limited tax bonds as needed, in a total outstanding aggregate amount not to exceed $1,880,000,000 and which is payable from the revenue generated hereunder; (5) approve the California Constitution Article XIII B Appropriations Limit of $485,175,000; (6) forbid the enjoining of collection of the tax; and (7) make recipient departments responsible for certifying that the tax revenues will not be substituted for property tax funds for existing programs.

RESOLVED, That the Board of Supervisors hereby approves the New Transportation Expenditure Plan unanimously recommended by the Expenditure Plan Advisory Committee established by the San Francisco County Transportation Authority, which New Plan would direct the use of revenues obtained from an extension of the transactions and use tax ("sales and use tax"); and, be it

FURTHER RESOLVED, That the Board of Supervisors hereby calls and provides for a special election to be held in the City and County of San Francisco on Tuesday, November 4, 2003, and is hereby consolidated with the General Municipal Election of the City and County of San Francisco to be held Tuesday, November 4, 2003, for the purpose of submitting the following proposition:

> Shall the City implement a 30-year New Transportation Expenditure Plan directing transportation sales tax funds to improved maintenance of local streets, transportation for the elderly and disabled, the Central Subway, a citywide network of fast and reliable buses, the Caltrain Extension to a new Transbay Terminal, improvements to pedestrian and bicycle safety and other projects and continue the existing half-cent sales tax during implementation of the New Transportation Expenditure Plan and future Plan updates?

(a) The special election hereby called and ordered shall be held and conducted, and the votes thereat received and canvassed, and the returns thereof made and the results thereof ascertained, determined and declared as herein provided and in all particulars not herein recited said election shall be held according to the laws of the State of California and the Charter of the City and County of San Francisco providing for and governing elections in the City and County of San Francisco, and the polls for such election shall be and remain open during the time required by said laws.

(b) The said special election hereby called shall be and hereby is consolidated with the General Municipal Election of the City and County of San Francisco to be held on Tuesday, November 4, 2003, and the voting precincts, polling places and officers of election for said Election shall be the same and are hereby adopted, established, designated and named, respectively, as the voting precincts, polling places and officers of election for such special election hereby called, and as specifically set forth, in the official publication, by the Director of Elections of precincts, polling places and election officers for the said General Municipal Election.

(c) The ballots to be used at said special election shall be the ballots to be used at said General Municipal Election and reference is hereby made to the notice of election setting forth the voting precincts, polling places and officers of election by the Director of Elections for the General Election to be published as required by State and local law.

(d) On the ballots to be used at such special election, in addition to any other matter required by law to be printed thereon, shall appear thereon the following, to be separately stated, and appear upon the ballot as a separate proposition:

> Shall the City implement a 30-year New Transportation Expenditure Plan directing transportation sales tax funds to improved maintenance of local streets, transportation for the elderly and disabled, the Central Subway, a citywide network of fast and reliable buses, the Caltrain Extension to a new Transbay Terminal, improvements to pedestrian and bicycle safety and other projects and continue the existing half-cent sales tax during implementation of the New Transportation Expenditure Plan and future Plan updates?

(e) This resolution shall be published according to the laws of the State of California and the Charter of the City and County of San Francisco providing for and governing the publication of measures submitted to the voters. The New Transportation Expenditure Plan referenced below shall be published once in the official newspaper of the City and County within 30 days of the effective date of this resolution.

(f) The Director of Elections and the Director's employees, representatives and agents are hereby authorized and directed to do everything necessary or desirable to the calling and holding of said special election, and to otherwise carry out the provisions of this resolution.

(g) At the special election, an ordinance amending Article 14 of the San Francisco Business and Tax Regulations Code of the City and County of San Francisco, by amending Sections 1401, 1402, 1403, 1404, 1405, 1406, 1408, 1413, 1414, and 1415 thereof, and adding Section 1419, is hereby submitted to the electorate as follows:

Note: Additions are *single-underline italics Times New Roman*,
Deletions are ~~*strikethrough italics Times New Roman*~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Business and Tax Regulations Code is hereby amended by amending Sections 1401, 1402, 1403, 1404, 1405, 1406, 1408, 1413, 1414, and 1415, to read as follows:

SEC. 1401. TITLE.

This ordinance shall be known as the "San Francisco County Transportation Authority *Reauthorization* Ordinance" which ~~establishes and implements a~~ *continues in effect the existing local* transactions and use tax *(commonly referred to as the "sales and use tax") approved by the voters as Proposition B at the November 7, 1989 election and authorizes implementation of a New Transportation Expenditure Plan for the use of the additional revenues.*

SEC. 1402. DEFINITIONS.

For the purposes of this ordinance the following words shall have the meanings ascribed to them by this section.

(a) "Authority." The *existing* San Francisco County Transportation Authority.

(b) "District." The City and County of San Francisco.

(c) "Effective date." The date of adoption of this ordinance which shall take effect at the close of the polls on the day of the election scheduled for November 4, 2003 at which the proposition is adopted by a two-thirds vote of the electors voting on the measure.

(d) "Operative date." The date that this ordinance becomes operative, which shall be the first day of the first calendar quarter commencing more than 120 days after adoption of this ordinance at the election scheduled for November 4, 2003, pursuant to Public Utilities Code Section 131105(a).

~~(c) "Effective date." The date of adoption of this ordinance which shall take effect at the close of the polls on the day of election at which the proposition is adopted by majority vote of the electors voting on the measure, pursuant to Public Utilities Code Section 131102(c).~~

~~(d) "Operative date." The first day of the first calendar quarter commencing more than 120 days after adoption of the ordinance, pursuant to Public Utilities Code Section 131105(a).~~

~~(e) "Plan." The Transportation Expenditure Plan approved by the Board of Supervisors of the City and County of San Francisco which is considered part of this ordinance and hereby incorporated by reference as if fully set forth herein.~~

SEC. 1403. PURPOSE.

Pursuant to Division 12.5 of the Public Utilities Code, *the San Francisco County Transportation Authority, upon the unanimous recommendation of the Expenditure Plan Advisory Committee established by the Authority,* ~~the San Francisco Transportation Committee~~ has recommended that the Board of Supervisors submit to the voters of the City and County of San Francisco for their approval an ordinance which would, if so approved, ~~create the San Francisco County Transportation Authority, authorize the Authority to impose a one-half of one percent transactions and use tax for a period of twenty years to finance the transportation improvements set forth in the Transportation Expenditure Plan approved by the Board of Supervisors and to~~ *continue in effect the existing local transactions and use tax of one-half of one percent approved by the voters as Proposition B at the November 7, 1989 election; authorize implementation of a New Transportation Expenditure Plan setting forth the projects to be funded over the next 30 years with revenues from the continuation of the tax; continue in effect the San Francisco County Transportation Authority; and authorize the San Francisco County Transportation Authority to* issue limited tax bonds in a total outstanding aggregate amount not to exceed ~~$742,000,000~~ *$1,880,000,000*. Hence, this ordinance should be interpreted so as to achieve the purposes set forth herein:

(a) To ~~establish a~~ *continue in effect the* San Francisco County Transportation Authority.

(b) To ~~impose a transactions and use tax~~ *continue in effect the existing one-half of one percent transactions and use tax* in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code and Sections 131100 et seq. of the California Public Utilities Code, which directs the

County Board of Supervisors to adopt the tax ordinance for voter approval, exercising the taxing power granted to the San Francisco County Transportation Authority in Public Utilities Code Section 131102 on behalf of said Authority.

(c) *To implement a New Transportation Expenditure Plan which supersedes the existing Transportation Expenditure Plan adopted in 1989, sets forth the transportation projects, programs and other improvements to be funded over the next 30 years with the revenues resulting from the continuation of the tax, specifies eligibility and other conditions and criteria under which such revenues shall be made available, and makes provisions for the adoption of future expenditure plan updates.*

~~(c)~~ *(d)* To incorporate provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

~~(d)~~ *(e)* To impose a transactions and use tax and provide a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Tax.

~~(e)~~ *(f)* To authorize administration of a transactions and use tax in a manner that will, to the highest degree possible consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes and at the same time minimize the burden of recordkeeping upon persons subject to taxation under the provisions of this ordinance.

~~(f)~~ *(g)* To improve *or cause the improvement, construction, maintenance, operation, development of and/or planning for* ~~, construct, maintain, and operate certain~~ transportation projects, ~~and~~ facilities *and/or programs* contained in the *New* Transportation Expenditure Plan *recommended by the Expenditure Plan Advisory Committee and* adopted by the Board of Supervisors of the City and County of San Francisco, which plan is incorporated here by this reference as though fully set forth herein, and as that Plan may be amended from time to time pursuant to applicable law.

~~(g)~~ *(h)* ~~To set a maximum term of twenty years during which time this tax shall be imposed pursuant to the authority granted by Section 131102(c) of the Public Utilities Code.~~ *To continue this tax pursuant to the authority granted by Section 131102 of the Public Utilities Code, permanently and subject to approval of future updates of the New Expenditure Plan pursuant to Section 131056 of the Public Utilities Code.*

~~(h)~~ *(i)* To authorize the issuance from time to time of limited tax bonds not to exceed a total outstanding aggregate amount of ~~$742,000,000~~ *$1,880,000,000* to finance the projects specified in the Plan.

~~(i)~~ *(j)* To establish an expenditure limit for the Authority pursuant to California Constitution Article XIII B.

SEC. 1404. *CONTINUATION* ~~*CREATION*~~ OF AUTHORITY.

Upon voter approval of this ordinance, the Authority shall *continue in effect as currently constituted* ~~*be created and shall be composed of the eleven members of the San Francisco Board of Supervisors as specified in the Transportation Expenditure Plan*~~. The Authority shall have all of the powers set forth in Division 12.5 (commencing with Section 131100) of the Public Utilities Code, all of the powers set forth in the *New* Transportation Expenditure Plan, and all powers incidental or necessary to imposing and collecting the tax and administering the tax proceeds and the Plan, *and causing and overseeing the delivery of the transportation improvements therein contained*. The Authority may allocate *and reallocate* the tax proceeds to meet project cash flow needs consistent with ~~*all*~~ the provisions of the Plan. In the event a project is infeasible, the Authority shall reallocate the tax proceeds for that project to other projects in accordance with the provisions of the Plan.

SEC. 1405. CONTRACT WITH STATE.

Prior to the operative date, the Authority shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of ~~this~~ *the* transaction*s* and use tax *authorized by this ordinance*; provided that, if the Authority shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

SEC. 1406. TRANSACTIONS TAX AND RATE OF ONE-HALF OF ONE PERCENT.

For the privilege of selling tangible personal property at retail, ~~a~~ *the existing* tax is hereby *continued to be* imposed upon all retailers in this District at the rate of one-half of one percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this District on and after the operative date. ~~This tax shall be imposed for a maximum period of twenty years.~~

SEC. 1408. USE TAX AND RATE OF ONE-HALF OF ONE PERCENT.

The existing ~~An~~ excise tax is hereby *continued to be* imposed on the storage, use or other consumption in this District of tangible personal property purchases from any retailer on and after the operative date for storage, use or other consumption in this District at the rate of one-half of one percent of the sales price of the property. The sales price shall include delivery when such charges are subject to state sales or use tax regardless of the place to which delivery is made. ~~This tax shall be imposed for a maximum period of twenty years.~~

SEC. 1413. AUTHORIZATION AND LIMITATION ON ISSUANCE OF BONDS.

The Authority is hereby authorized to issue from time to time limited tax bonds pursuant to the provisions of California Public Utilities Code Sections 131109 et seq. in a total outstanding aggregate amount not to exceed ~~$742,000,000~~ *$1,880,00,000*.

SEC. 1414. USE OF PROCEEDS.

The proceeds of the taxes imposed by this ordinance shall be used solely for the projects and purposes set forth in the ~~County~~ *New* Transportation Expenditure Plan *and its updates* and for the administration thereof. In accordance with the legislative intent expressed in California Public Utilities Code Section ~~13110~~ *131100* such proceeds shall not replace funds previously provided by property tax revenues for public transportation purposes. ~~Each year the tax is in effect and prior to the allocation of funds by the Authority, the Controller of the City and County of San Francisco~~ *As a condition for allocation of funds by the Authority, the recipient department or agency* shall certify to the Authority that the funds will not be substituted for property tax funds which are currently utilized to fund existing local transportation programs.

SEC. 1415. APPROPRIATIONS LIMIT.

For purposes of Article XIIIB of the State Constitution, the appropriations limit for the Authority for fiscal year *2003-04* ~~1989-90~~ and each year thereafter shall be ~~$160,000,000~~ *$485,175,000* unless that amount should be amended pursuant to applicable law.

Section 2. The San Francisco Business and Tax Regulations Code is hereby amended by adding Section 1419, to read as follows:

SEC. 1419. ENJOINING COLLECTION FORBIDDEN.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State of California or the Authority, or against any officer of the State or the Authority, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

NEW TRANSPORTATION EXPENDITURE PLAN FOR SAN FRANCISCO
Recommended July 22, 2003
San Francisco County Transportation Authority

1. INTRODUCTION

A. Summary

The New Expenditure Plan identifies transportation improvements to be funded from the extension of the existing half-cent transportation sales tax. The projects and programs included in the Expenditure Plan are designed to be implemented over the next 30 years. Provisions are also made for future updates to the New Expenditure Plan beyond the initial 30-year period. The New Expenditure Plan includes investments in four major categories: Transit, Streets and Roads (including street resurfacing, and bicycle and pedestrian improvements), Paratransit services for seniors and disabled people, and Transportation System Management/Strategic Initiatives, to fund neighborhood parking management, land use coordination, and beautification efforts.

The major capital projects to be funded by the New Expenditure Plan are:

- Development of the Bus Rapid Transit/ MUNI Metro Network;
- Construction of the MUNI Central Subway (3rd St. LRT Phase 2);
- Construction of the Caltrain Downtown Extension to a Rebuilt Transbay Terminal;
- Replacement of the South Access to the Golden Gate Bridge (Doyle Drive).

B. CONTEXT

The New Expenditure Plan for the use of Prop K funds was developed by the Expenditure Plan Advisory Committee (EPAC), appointed by the San Francisco County Transportation Authority (Authority) Board, with technical assistance provided by the Authority and other transportation agencies. The roster of EPAC members is provided in Attachment 1. The Expenditure Plan was recommended by the Authority Board on July 22, 2003.

By providing the required local match, Prop K is intended to leverage about $9.6 billion in federal, state, and other local funding for transportation projects in San Francisco.

The New Expenditure Plan is a list of transportation projects and programs that will be given priority for Prop K funding. As such the New Expenditure Plan shall be amended into the Capital Improvement Program of the Congestion Management Program, developed pursuant to section 65089 of the California Government Code. These projects and programs are intended to help implement the long-range vision for the development and improvement of San Francisco's transportation system, as articulated in the San Francisco Long Range Countywide Transportation Plan.

The Countywide Transportation Plan is the City's blueprint to guide the development of transportation funding priorities and policy. The major objectives of the Countywide Transportation Plan are to enhance mobility and accessibility throughout the city, improve safety for all transportation system users, support the city's economic development and the vitality of our neighborhoods, sustain environmental quality, and promote equity and efficiency in transportation investments. The Countywide Transportation Plan is a living document, updated on a regular basis to identify and address changing needs and regional trends, and align them with available funding.

C. GOALS

The purpose of the New Expenditure Plan is to implement the priorities of the Countywide Transportation Plan through investment in a set of projects and programs that include planning, maintenance and rehabilitation of, and improvements to the city's multi-modal transportation system. Goals of the plan include:

- Maintain the city's transportation infrastructure in a state of good repair.
- Support an efficient, accessible, and fully integrated public transportation system that connects San Francisco's neighborhoods and links San Francisco to the region.

- Improve the speed, reliability, and ridership of transit in San Francisco and the region.
- Maintain a safe, attractive, well designed street network that provides mobility and public open space for residents and visitors.
- Enhance mobility for all San Franciscans, including seniors and people with disabilities.
- Maintain and enhance the city's roadway network to facilitate the safe movement of people and goods, including transit.
- Improve safety and amenities for pedestrians and bicyclists.
- Coordinate transportation investments with existing and planned land uses, to enhance livability and mobility, reduce traffic, and increase housing opportunities.
- Promote economic vitality citywide.
- Protect and enhance the environment.
- Improve coordination between transportation agencies and departments.
- Develop clear, equitable, and cost-effective methods for prioritizing transportation investments.
- Wisely use local funding to secure state, federal, and regional matching funds for transportation projects.

D. STRUCTURE

The New Expenditure Plan is organized into five sections. Section 1: Introduction provides background on the Plan's goals and development. Section 2: General Provisions provides further context on the Plan's policies and administration. Section 3: Plan Summary provides the Plan's investment detail by category. Section 4: Description of Projects and Programs contains detailed descriptions of the projects and programs (by category and subcategory), and the types of items that are eligible for funding under each of them. Section 5: Implementation Provisions describes the process for prioritizing and allocating funds following adoption of the Plan. Section 6: Allocation and Reallocation of Funds, deals with the procedures to be followed in allocating and reallocating funds to the different levels of priority. Section 7: Update Process, deals with the mechanisms for developing updates beyond the initial 30-year period.

The Authority recommends that the following elements be included in the New Transportation Expenditure Plan for San Francisco.

2. GENERAL PROVISIONS

A. SALES TAX REVENUES

The New Expenditure Plan shall supersede the Proposition B Expenditure Plan, adopted in 1989, as of the operative date of the New Expenditure Plan, pursuant to Section 131105 of the California Public Utilities Code. The existing one-half percent local sales tax dedicated to transportation improvements (approved in November 1989 as Proposition B) shall be continued for the duration of the New Expenditure Plan.

Revenues are estimated under three scenarios over the 30-year period of the New Expenditure Plan. The conservative projection puts the total revenue level at $2.35 billion (2003 dollars). The medium growth projection forecasts $2.62 billion; and the optimistic projection is $2.82 billion. These scenarios reflect average growth rates that vary from 1.4% per year to 1.65% to 2.15%. All three rates are based on historical trends in sales tax receipts in San Francisco, and are consistent with the projections used by the City and County of San Francisco and by the Metropolitan Transportation Commission.

B. RESTRICTION OF FUNDS

Sales tax revenues shall be spent on capital projects rather than to fund operations and maintenance of existing transportation services, unless otherwise explicitly specified in the Plan Description. In accordance with enabling legislation and adopted principles, sales tax revenues generated pursuant to this plan shall be subject to the following restrictions:

NO SUBSTITUTION

a. Sales tax revenues shall be used to supplement and under no circumstance replace existing local revenues used for transportation purposes.

b. Proceeds from the sale or liquidation of capital assets funded with sales tax revenues shall be returned to the Authority (in proportion to the contribution of sales tax revenues to the total original cost of the asset), for re-allocation to eligible expenses within the categories from which funds were expended for the original investment.

INCREMENTAL OPERATING AND MAINTENANCE COSTS

Funds for operations and maintenance shall be limited exclusively to incremental costs associated with the operation of new transportation services and/or facilities, as specified in this plan. Regional operators and other non-San Francisco sponsors shall not be eligible for incremental operations and maintenance funding. Incremental costs shall be defined as solely those operating and maintenance costs that would clearly not have otherwise been incurred absent the new service or facility. The intent shall under no circumstance be to provide an ongoing subsidy, but rather to allow for a limited level of transitional funding, to help the department responsible for the operation and maintenance of the new facility or service built or purchased with sales tax funds, to identify alternative funding sources for these purposes and gradually and fully absorb the facility's incremental operating and/or maintenance costs into its own operating budget. Incremental operating and maintenance costs shall be reimbursable from the sales tax according to the following schedule.

Linear Decrease

The funding eligibility level for incremental operating and maintenance costs shall decrease linearly from 100% on the first year of operation to 0% on year 10.

Grandfathered Projects

Projects currently receiving Prop B reimbursement for incremental operating and maintenance costs shall be eligible for reimbursement under the sales tax according to the same schedule as detailed in section 2.B.ii.a., above, starting with the amount shown in the 2003 Strategic Plan Update for Prop B for fiscal year 2003/04.

NO EXPENDITURES OUTSIDE SAN FRANCISCO

No sales tax funds shall be spent outside the limits of the City and County of San Francisco, except for cases that satisfy all of the following conditions, and subject to a possible need for amendment of state legislation:

a. Quantifiable Benefit

The project, service, or programmatic category is included in the Expenditure Plan, and planning or other studies, developed in order to enable its implementation, demonstrate that there will be a quantifiable benefit to the City and County's transportation program from the expenditure of funds beyond the City and County line. A quantifiable benefit is defined as a measurable increase in the cost effectiveness of a project or group of transportation projects and or services at least partially funded with sales tax funds, located along the corridor or in the immediate geographic area of the City and County where the project in question is proposed to occur.

Expenses Matched By Other Counties

The proposed expense is matched by funding from the county where the expenditure of sales tax funds is proposed to be made.

Should transportation projects or services contemplated in the plan require the participation of multiple counties for any phase of project planning or implementation, the Authority shall work cooperatively with the affected county or counties to ensure successful project implementation?

IV. FUNDING CAPS FOR GRANDFATHERED PROJECTS

Projects grandfathered from the Prop B Expenditure Plan, shall be eligible to receive Prop K Priority 1 funds from the appropriate equivalent subcategories, not to exceed the unallocated amounts programmed in the 2003 Prop B Strategic Plan Update. This section

does not apply to incremental operating and maintenance costs, which are addressed separately in section ii.b., above.

C. SUCCESSOR PROGRAM

Upon approval of the Ordinance by the voters, the New Expenditure Plan shall supersede and become the successor program to the Expenditure Plan enacted in 1989 by the passage of the Proposition B local sales tax for transportation. As such it will bear responsibility for any outstanding debt incurred by the Proposition B program, and all assets of the Proposition B program shall become Prop K program assets.

D. BONDING AUTHORITY

The Authority shall be authorized to issue, from time to time, limited tax bonds in a total outstanding aggregate amount not to exceed $1.88 billion, payable from the sales tax revenues generated pursuant to this plan. The Authority's bonding capacity shall be separate and distinct from that of the City and County of San Francisco.

E. ADMINISTRATION BY THE SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY

The San Francisco County Transportation Authority, which currently allocates, administers and oversees the expenditure of the existing Prop B sales tax for transportation, shall allocate, administer and oversee the expenditure of the Prop K sales tax funds.

F. SUPPORT OF ADJACENT COUNTIES

It is deemed unnecessary to seek the support of adjacent counties by requesting them to develop their own Transportation Expenditure Plans because:

- San Mateo, Alameda and Contra Costa Counties have already adopted Transportation Expenditure Plans; and
- Marin County is currently evaluating Transportation Expenditure Plans

G. ENVIRONMENTAL REVIEW

Environmental reporting, review and approval procedures as provided for under the National Environmental Policy Act (NEPA), and/or the California Environmental Quality Act (CEQA), and other applicable laws shall be carried out as a prerequisite to the implementation of any project to be funded partially or entirely with sales tax funds.

3. PLAN SUMMARY

Table 1 summarizes the half-cent sales tax revenue allocations by project category and subcategory in constant 2003 dollars. The New Expenditure Plan is fiscally constrained to the total funding expected to be available for each category. The financial constraint is further detailed within each category through the specification of funding priority levels (Priorities 1, 2 and 3). There are four categories, identified with capital letters (A through D). The first subdivision level under each category is known as a subcategory. Subcategories are indicated with lower case Roman numerals. The level below a subcategory is known as a program or a project.

Adoption of an ordinance to continue the existing half-cent sales tax is necessary in order to fund the projects and programs listed in Table 1. The tax shall be continued for the period of implementation of the New Expenditure Plan and its updates.

[Table 1: San Francisco Expenditure Plan Summary, begins on page 332.]

Table 1: San Francisco Expenditure Plan Summary

2003 $ Millions	Total Expected Funding[1]	Total Prop K[3]	% of Prop K Funding[2]
A. TRANSIT	9,944.3	1,781.1	65.5%
i. Major Capital Projects	3,748.7	689.6	
a. MUNI	*1,402.0*	*361.0*	
Bus Rapit Transit/MUNI Metro Network	600.0	110.0	
3rd Street Light Rail (Phase 1)	100.0	70.0	
Central Subway (3rd St. LRT Phase 2)	647.0	126.0	
Geary LRT	55.0	55.0	
b. Caltrain	*2,141.0*	*313.1*	
Downtown Extension to a Rebuilt Transbay Terminal	1,885.0	270.0	
Electrification	182.5	20.5	
Capital Improvement Program	73.5	22.6	
c. BART Station Access, Safety and Capacity	*100.0*	*10.5*	
d. Ferry	*105.7*	*5.0*	
ii. Transit Enhancements	200.7	52.5	
iii. System Maintenance and Renovation	5,994.9	1,039.0	
a. Vehicles	3,486.0	575.0	
b. Facilities	945.7	115.7	
c. Guideways	1,563.2	348.3	
B. PARATRANSIT[3]	396.3	291.0	8.6%
C. STREETS AND TRAFFIC SAFETY	2,033.0	714.7	24.6%
i. Major Capital Projects	539.7	117.5	
a. Golden Gate Bridge South Access (Doyle Drive)	420.0	90.0	
b. New and Upgraded Streets	119.7	27.5	
ii. System Operations, Efficiency and Safety	155.5	60.6	
a. New Signals and Signs	55.5	41.0	
b. Advanced Technology and Information Systems (SFgo)	100.0	19.6	
iii. System Maintenance and Renovation	887.5	281.6	
a. Signals and Signs	170.5	99.8	
b. Street Resurfacing, Rehabilitation, and Maintenance	680.2	162.7	
c. Pedestrian and Bicycle Facility Maintenance	36.8	19.1	

iv. Bicycle and Pedestrian Improvements	450.3	255.0	
a. Traffic Calming	142.0	70.0	
b. Bicycle Circulation/Safety	77.6	56.0	
c. Pedestrian Circulation/Safety	69.7	52.0	
d. Curb Ramps	66.0	36.0	
e. Tree Planting and Maintenance	95.0	41.0	
D. TRANSPORTATION SYSTEM MANAGEMENT/ STRATEGIC INITIATIVES	**62.5**	**33.2**	1.3%
i. Transportation Demand Management/Parking Management	28.9	13.2	
ii. Transportation/Land Use Coordination	33.6	20.0	
Total	**12,436**	**2,820**	**100%**
Total Prop K Priority 1 (conservative forecast)		2,350	
Total Prop K Priority 1 + 2 (medium forecast; most likely to materialize)		2,626	
Total Prop K Priority 1 + 2 + 3 (optimistic forecast)[4]		2,820	

Notes:

[1] Total Expected Funding represents project costs or implementable phases of multi-phase projects and programs based on a 30-year forecast of expected revenues from existing federal, state and local sources, plus $2.82 B in reauthorized sales tax revenues, $230 M from a BART General Obligation Bond, and approximately $199 M from the proposed 3rd dollar toll on the Bay Area state-owned toll bridges. The amounts in this column are provided in fulfillment of Sections 131051 (a)(1), (b) and (c) of the Public Utilities Code.

[2] Percentages are based Prop K Priority 1 and 2 forecasts of $2.626 billion.

[3] With very limited exceptions, the funds included in the 30-year forecast of expected revenues are for capital projects rather than operations. Of all the funding sources that make up the $12.4 B in expected funding, paratransit operating support is only eligible for Prop K and and up to 10% of MUNI's annual share of Federal Section 5307 funds (currently about $3.5 M annually). Therefore, total expected funding for Paratransit only reflects Prop K and Section 5307. The remaining paratransit operating costs for the next 30-years will be funded using other sources of operating funds, such as those currently included in MUNI's $460 M annual operating budget.

[4] Priority 3 projects will only be funded if the revenues materialize under the optimistic scenario for sales tax revenues. They are also included in case Priority 1 or 2 projects realize costs savings, identify other unanticipated sources of funding, experience delays or are canceled.

[5] The "Total Prop K" fulfills the requirements in Section 131051(d) of the Public Utilities Code.

4. DESCRIPTION OF PROJECTS AND PROGRAMS

This section contains detailed descriptions of the projects, categories and subcategories in the New Expenditure Plan, and the types of items that are eligible for funding under each of them. The Total Funding figures correspond to the Total Expected Funding column in the Plan Summary provided in Section 3, above. Sales tax funding figures are for Priority 1 unless stated otherwise. The percentage allocation of Prop K funds to each of the major categories is as follows:

Transit—65.5%, Paratransit—8.6%, Streets and Traffic Safety—24.6% and Transportation System Management/Strategic Initiatives—1.3%. This reflects Priorities 1 and 2 combined.

A. TRANSIT

1. MAJOR CAPITAL PROJECTS

The Authority shall give priority for funding to major capital projects that are supportive of adopted land use plans, with particular emphasis on improving transit supply to corridors designated for infill housing and other transit-supportive land uses. Transit supportive land uses are defined as those which help to increase the cost-effectiveness of transit service by improving transit ridership and reducing traffic along transit corridors.

a. MUNI

- Bus Rapid Transit Network/MUNI Metro Network including Real Time Transit Information:

  Implement Bus Rapid Transit and Transit Preferential Streets programs to create an integrated citywide network of fast, reliable bus and surface light rail transit services connecting to services provided by MUNI rail and historic streetcar lines, BART and Caltrain.

  Bus Rapid Transit (BRT): Creation of fast, frequent, and reliable bus rapid transit service, with exclusive transit lanes and dedicated stations, on Geary Boulevard (designed and built to rail-ready standards), Van Ness Avenue and Potrero Avenue.

  Transit Preferential Streets (TPS): Includes Improvements to key transit corridors including Mission and Folsom streets, 19th Avenue, Geneva Avenue, Bayshore Blvd, 16th Street, San Bruno Ave., Stockton, and the MUNI rail lines. Includes additional BRT and TPS improvements subject to availability of funds. TPS improvements are intended to improve speed and reliability at cost lower than BRT. TPS improvements include sidewalk bulb-outs at bus stops, transit-priority lanes, traffic signal modifications, and relocation of bus stops. BRT and TPS projects may include traffic signal modification to speed up service, and real-time passenger information systems improve transit reliability and reinforce the sense of permanence of the improved service, as well as associated landscaping, lighting and signage improvements. It is the intent that buses that operate along BRT corridors should be able to also operate along TPS corridors. Funds in this section may be used to create dedicated stations and exclusive transit lanes for the MUNI light rail and historic streetcar_lines. Includes planning, project development, capital and incremental operating and maintenance costs. Sponsoring Agencies: MUNI, DPT, DPW, Planning, SFCTA. The first $99.2M is Priority 1 and the remainder is Priority 2. Total Funding: $600M; Prop K: $110.0M.

- 3rd Street Light Rail (Phase 1):

  This is a grandfathered project. Complete construction of trackway, related facilities, and the Metro East light rail maintenance facility and yard, and purchase of new light rail vehicles (LRVs), including additional LRVs for expanded Mission Bay service. (Priority 1). Includes capital and incremental operating and maintenance costs. Sponsoring Agency: MUNI. Total Funding: $100M; Prop K: $70M.

- New Central Subway (3rd St. LRT Phase 2):

  This is a grandfathered project. Design and construction of the second phase of the 3rd Street Light Rail line as a subway linking the Caltrain Depot at 4th and King Streets and Pac Bell Park to Moscone Center, the BART/MUNI Metro stations on Market Street, Union Square and Chinatown. Includes preliminary and detailed engineering and construction costs. (Priority 1). Includes project development, capital and incremental operating and maintenance costs. Sponsoring Agency: MUNI. Total Funding: $647M; Prop K: $126M.

- Geary Light Rail:

  This funding is for environmental studies, preliminary and detailed engineering for

implementing light rail transit on Geary Blvd (Priority 3). Sponsoring Agency: MUNI. Total Funding: $55M; Prop K: $55M.

Caltrain

- Downtown Extension to a Rebuilt Transbay Terminal:
  Construction of a grade-separated extension of Caltrain to a rebuilt Transbay Terminal at the current site (Mission and 1st Streets) near BART and MUNI Metro. The extension and terminal are to be built as a single, integrated project. If the Caltrain Downtown Extension portion of the project is cancelled, this project shall not be eligible for any funds from the sales tax program. (Priority 1). Includes project development and capital costs. Sponsoring Agency: TJPA. The first $237.7M is Priority 1 and the remainder is Priority 2. Total Funding: $1,885M; Prop K: $270M.
- Electrification:
  Convert Caltrain service, line, and locomotives from diesel-powered to electric-powered. The project includes all stationary systems, substations, and signal system modifications, along with new rolling stock and supporting infrastructure and facilities. Costs reflect San Francisco share only. (Priority 1). Includes project development and capital costs. Sponsoring Agency: PCJPB. Total Funding: $182.5M; Prop K: $20.5M.
- Capital Improvement Program:
  Provides San Francisco's local match contribution for Caltrain's Capital Improvement Program (CIP) projects, including continued implementation of express tracks between San Francisco and San Jose to improve travel time and reliability. This work may include passing sidings, to allow express trains to bypass local service where additional tracks are not appropriate and/or right of way is limited. Maintenance and rehabilitation projects designed to improve service levels. Costs reflect San Francisco share only. Includes project development and capital costs. Sponsoring Agency: PCJPB. The first $19.9M is Priority 1 and the remainder is Priority 2. Total Funding: $73.5M; Prop K: $22.6M.

c. BART Station Access, Safety and Capacity
Improvements to stations and other facilities owned or operated by BART within San Francisco to enhance passenger safety, accessibility and capacity, (e.g. additional staircases), improved signage and security, real-time traveler information, intermodal access improvements (including improved access for passengers transferring from other transit services or bicycles), and street level plaza improvements. Improvements to station or system capacity, including additional staircases, elevators, and escalators, shall be eligible for funding in this category if the Authority finds that the costs of the station and system capacity improvements are shared equitably among the counties BART serves. Includes project development and capital costs. Sponsoring Agency: BART, MUNI, DPT, DPW. The first $9.2M is Priority 1 and the remainder is Priority 2. Total Funding: $100M; Prop K: $10.5M.

d. Ferry
Improvements to downtown ferry terminals to accommodate increases in ferry ridership. Included are additional intermodal connections, new ferry berths, improved emergency response systems, and landside improvements to serve increased passenger flows. Also included is rehabilitation of passenger-serving facilities. Includes project development and capital costs. Sponsoring Agencies: Port of San Francisco, GGBHTD. The first $4.4M is Priority 1 and the remainder is Priority 2. Total Funding: $105.7M; Prop K: $5M.

TRANSIT ENHANCEMENTS

Programmatic improvements that promote system connectivity and accessibility, close service gaps, and improve and expand transit service levels. For Transit Enhancements, the first $43.0M is Priority 1, the second $4.5M is Priority 2 and the remaining $5.0M is Priority 3. Projects include:

- Extension of existing trolleybus lines and electrification of motor coach routes.

Includes purchase of additional trolley buses for new service. Includes project development and capital costs. Sponsoring Agency: MUNI. Total Funding: $47.7M; Prop K: $9.5M.

- Extension of historic streetcar service from Fisherman's Wharf to Fort Mason. Total Funding reflects Prop K funds only; the remaining project costs will be covered by the National Park Service/Presidio Trust using Park funds. Includes project development and capital costs. Sponsoring Agency: MUNI. Total Funding: $5 M; Prop K: $5 M.
- Purchase and rehabilitation of historic light rail vehicles for new or expanded service. Includes project development, capital, and incremental operating and maintenance costs. Sponsoring Agency: MUNI. Total Funding: $7.2 M; Prop K: $1.4 M.
- Balboa Park BART/MUNI station access improvements to enhance BART, bus and MUNI light rail transit connections. Includes project development and capital costs. Sponsoring Agencies: MUNI, BART, DPT, DPW. Total Funding: $34.5M; Prop K: $9.72M.
- Relocation of the Caltrain Paul Avenue station to Oakdale Avenue. Includes project development and capital costs. Sponsoring Agencies: PCJPB, DPT, DPW. Total Funding: $26.43M; Prop K: $7.93M.
- Purchase of additional light rail vehicles to expand service and reduce overcrowding on existing MUNI Light Rail lines. Includes project development, capital, and incremental operating and maintenance costs. Sponsoring Agency: MUNI. Total Funding: $28.9M; Prop K: $5.8M.
- Other transit enhancements to be prioritized by the Authority. Includes planning, project development and capital costs. Sponsoring Agencies: MUNI, BART, PCJPB. Total Funding: $50.96 M; Prop K: $14.0 M.

SYSTEM MAINTENANCE AND RENOVATION

Vehicles

Programmatic improvements for upgrade, rehabilitation and replacement of transit vehicles, spare parts and on-board equipment. Includes limited incremental operating funds for F-line historic streetcar operations. The first $506.3M is Priority 1 and the remainder is Priority 2. Projects include:

- Rail car, trolley coach and motor coach renovation and replacement; retrofit of diesel coaches to reduce emissions. Includes project development and capital costs. Sponsoring Agencies: MUNI, BART, PCJPB. Funding for BART rail car renovation and replacement shall be eligible for funding under this subcategory if the Authority finds that the costs of rail car renovation and replacement are shared equitably among the counties BART serves. The first $486 M in Prop K is Priority 1, and the remainder is Priority 2. Total Funding: $3,476.7 M; Prop K: $566 M. Of the $565.7 M in Prop K funds, the following minimum amounts will be available for MUNI ($450.75M), BART ($11.5M), and PCJPB ($23M).
- Trolleybus wheelchair-lift incremental operations and maintenance. This is a grandfathered project. Provides for incremental operating and maintenance costs according to the schedule described in 2.b.ii.B. The first $2.62M is Priority 1 and the remainder is Priority 2. Sponsoring Agency: MUNI. Total Funding: $3.05M, Prop K: $3.05M.
- F-Line Historic Streetcar Incremental Operations and Maintenance: This is a grandfathered project. Provides for incremental operating and maintenance costs according to the schedule described in Section 2.b.ii.B of this Expenditure Plan. The first $5.3 M in Prop K is Priority 1 and the remainder is Priority 2. Sponsoring Agency: MUNI. Total Funding: $6.2M; Prop K: $6.2M

Facilities

Programmatic improvements for upgrade, rehabilitation and replacement of transit facilities and facilities-related equipment. Includes limited incremental operating funds for MUNI Metro Extension/MUNI Metro Turnback operations. The first $101.9M is Priority 1 and the remainder is Priority 2. Projects include:

- Rehabilitation, upgrades and/or replacement of existing facilities for maintenance and operations, including equipment (Priority 1). Rehabilitation, upgrades and renovation for rail stations including platform edge tiles, elevators, escalators, and faregates (Priority 1). Rehabilitation and/or replacement of facilities for administration (Priority 2). The first $84.7 M in Prop K is Priority 1 and the remainder is Priority 2. Includes project development and capital costs. Sponsoring Agencies: MUNI, BART, PCJPB. Total Funding: $925.7M; Prop K: $95.7M. Of the $115.7M in Prop K funds, the following minimum amounts will be available for MUNI ($92.6M), BART ($2.3M), and PCJPB ($9.3M).
- MUNI Metro Extension (MMX) incremental operations and maintenance. This is a grandfathered project. Provides for incremental operating and maintenance costs according to the schedule described in 2.b.ii.B. The first $17.2 M is Priority 1 and the remainder is Priority 2. Sponsoring Agency: MUNI. Total Funding: $20 M, Prop K: $20 M.

Guideways

Rehabilitation, upgrades and/or replacement of rail, overhead trolley wires, signals, and automatic train control systems. The intent is to implement TPS standards whenever rehabilitation, upgrade or replacement projects of light rail lines are undertaken. Seismic retrofit and improvements to emergency lighting and ventilation. (PRIORITY 1). The first $306.7 M is Priority 1 and the remainder is Priority 2. Total Funding: $1,563.2M; Prop K: $348.3M. Includes project development and capital costs. Sponsoring Agencies: MUNI, BART, PCJPB. The following minimum amounts will be available for MUNI ($278.6M), BART ($7M), and PCJPB ($27.9M).

PARATRANSIT

Continued support for paratransit door-to-door van and taxi services for seniors and people with disabilities who are unable to use fixed route transit service. Includes operations support, phased replacement of accessible vans, and replacement and upgrades of supporting equipment such as debit card systems. Sponsoring Agency: MUNI. The first $201.9M is Priority 1. The next $24.1M is Priority 2, and the remainder is Priority 3. Total Funding: $396.3M; Prop K: $291M.

STREETS AND TRAFFIC SAFETY MAJOR CAPITAL PROJECTS

Golden Gate Bridge South Access (Doyle Drive)

Construction of a replacement project for the existing facility to improve earthquake and traffic safety. Project includes direct vehicular and transit access into the Presidio National Park, improved bicycle and pedestrian connections, a transit transfer center and bus rapid transit treatments, and connections to Marina Boulevard and Richardson Avenue. (Priority 1). Includes project development and capital costs and may include associated environmental restoration. Sponsoring Agencies: SFCTA, Caltrans. The first $79.2 M is Priority 1 and the remainder is Priority 2. Total Funding: $420M; Prop K: $90M.

New and Upgraded Streets

Upgrading and extension of streets and other vehicular facilities to bring them up to current standards; addition of Transit Preferential Streets (TPS) treatments to transit corridors and construction of major bicycle and pedestrian facilities. The first $24.2 M is Priority 1; and the remainder is Priority 2. Total Funding: $119.7 M; Prop K: $27.5 M

- Bernal Heights Street System Upgrading (Priority 1). This is a grandfathered project. Construction of streets in Bernal Heights where existing streets are unimproved or below city standards to ensure adequate emergency vehicle response times. Includes project development and capital

costs. Sponsoring Agency: DPW. Total Funding: $1.415M; Prop K: $1.415M.

- Great Highway Erosion Repair, including bicycle path development. (Priority 1) Includes project development and capital costs. Sponsoring Agency: DPW. Total Funding: $15.0M; Prop K: $2.03M.
- Visitacion Valley Watershed: San Francisco share of San Francisco/San Mateo Bi-County Study projects such as the extension of Geneva Avenue across US 101 to improve multi-modal access, including a possible light rail extension to Candlestick Point, or other transportation improvements as identified or refined through a community planning process. (Priority 1). Includes planning, project development and capital costs. Sponsoring Agencies: DPW, MUNI, SFCTA, PCJPB, Caltrans. Total Funding: $46.3M; Prop K: $15M.
- A new Illinois Street Bridge including multimodal (vehicle, rail, bicycle, and pedestrian) access across Islais Creek (Priority 1). Includes project development and capital costs. Sponsoring Agency: Port of San Francisco. Total Funding: $15.0M; Prop K: $2.0M.
- A study to identify ways to reduce the traffic impacts of State Route 1 on Golden Gate Park (Priority 1). Includes planning and project development costs. Sponsoring Agency: DPT, Caltrans. Total Funding: $2M; Prop K: $0.2M
- Other upgrades to major arterials such as 19th Avenue, to complement traffic calming on adjacent neighborhood streets, including pedestrian and bicycle safety improvements, intersection reconfiguration, transit preferential improvements and landscaping. Includes planning, project development and capital costs. Sponsoring agencies: DPW, DPT, MUNI, Caltrans, SFCTA. Total Funding: $40M; Prop K: $6.9M.

SYSTEM OPERATIONS, EFFICIENCY AND SAFETY

a. New Signals and Signs
Programmatic improvements including new traffic signs and signals (including pedestrian and bicycle signals) implementation of transit priority systems on select corridors; and new pavement markings such as raised flashing pavement reflectors and transit lane markings (Priority 1). Installation of red light photo enforcement equipment; electronic parking meters including meters that accept credit or pre-paid debit cards; and relocation of traffic maintenance shop to a new location (Priority 2). Includes project development and capital costs. Sponsoring Agency: DPT; MUNI. The first $36.1M is Priority 1 and the remainder is Priority 2. Total Funding: $55.5M; Prop K: $41.0M.

b. Advanced Technology and Information Systems (SFgo)
Programmatic improvements using advanced technology and information systems to better manage roadway operations for transit, traffic, cyclists, and pedestrians. Includes interconnect and traffic signal controller technology and related communications systems to enable transit and emergency vehicle priority; dissemination of real time information to transit passengers; and management of vehicular flows and signalization to enhance bicycle and pedestrian safety (Priority 1). Closed circuit TV and communications systems (e.g. Variable Message Signs) for incident and special event traffic management as well as responsive/adaptive signal control and traveler information (Priority 2). Includes project development and capital costs. Sponsoring Agency: DPT, MUNI. The first $17.3M is Priority 1 and the remainder is Priority 2. Total Funding: $100.0M; Prop K: $19.6M.

SYSTEM MAINTENANCE AND RENOVATION

a. Signals and Signs
Programmatic improvements including maintenance and upgrade of traffic signs and signals. Signal maintenance includes new mast arms, LED signals, conduits, wiring, pedestrian

signals, left turn signals. Includes transit pre-empts and bicycle route signs and signals. Maintenance and upgrades of traffic striping and channelization to improve safety. Includes maintenance and replacement of red light enforcement cameras. Includes project development and capital costs. Sponsoring Agency: DPT. The first $87.9M is Priority 1 and the remainder is Priority 2. Total Funding: $170.5M; Prop K: $99.8M.

b. Street Resurfacing, Rehabilitation, and Maintenance

- Street Resurfacing and Reconstruction:
  Repaving and reconstruction of city streets to prevent deterioration of the roadway system, based on an industry-standard pavement management system designed to inform cost effective roadway maintenance. Includes project development and capital costs. May include sidewalk rehabilitation, curb ramps and landscaping, subject to approved prioritization plan. Sponsoring Agency: DPW. The first $118.3M in Prop K is Priority 1 and the remainder is Priority 2. Total Funding: $641.3M; Prop K: $134.3M.
- Street Repair and Cleaning Equipment
  Replacement of street repair and cleaning equipment according to industry-standards, such as but not limited to, asphalt pavers, dump trucks, sweepers, and front-end loaders. Includes capital costs only. Sponsoring Agency: DPW. The first $22.8M in Prop K is Priority 1 and the remainder is Priority 2. Total Funding: $36.4M; Prop K: $25.9M.
- Embarcadero Roadway Incremental Operations and Maintenance
  This is a grandfathered project. Provides for incremental operating and maintenance costs according to the schedule described in 2.b.ii.B. Funding shall only be made available after reimbursement of $2.5M from the City and County of San Francisco to the Authority for repayment of a capital loan authorized by Authority resolution No. 97-44. Sponsoring Agency: DPW. The first $2.2M is Priority 1 and the remainder is Priority 2. Total Funding: $2.5M; Prop K: $2.5M.

c. Pedestrian and Bicycle Facility Maintenance
Public sidewalk repair and reconstruction city-wide. Additional pedestrian facility improvements including stairways, retaining walls, guardrails and rockfall barriers. Upgrades of substandard bicycle lanes; rehabilitation of bicycle paths, and reconstruction of MUNI passenger boarding islands. Includes project development and capital costs. Sponsoring Agencies: DPT, DPW, MUNI. The first $17.4M is Priority 1 and the remainder is Priority 2. Total Funding: $36.8M; Prop K: $19.1M.

BICYCLE AND PEDESTRIAN IMPROVEMENTS

a. Traffic Calming
Programmatic improvements to neighborhood streets to make them more livable and safe to use for all users – pedestrians, cyclists, transit, and autos. Includes strategies to reduce auto traffic speeds and improve pedestrian and bicyclist safety and circulation such as: improvements to bicycle and walking routes (e.g. sidewalk widening, streetscape upgrades including landscaping), speed humps, corner bulb-outs, chicanes and channelization (Priority 1). New or improved pedestrian safety measures such as ladder crosswalks and pedestrian signals (Priority 1). Development of neighborhood and school area safety plans citywide, including above-mentioned strategies and complementary outreach and education programs (Priority 1). New traffic circles, signals and signage including flashing beacons and vehicle speed radar signs (Priority 2). The first $60.8M is Priority 1. The next $7.2M is Priority 2 and the remainder is Priority 3. Includes planning, project development and capital costs. Sponsoring Agencies: DPT, DPW. Total Funding: $142.0M; Prop K: $70.0M.

b. Bicycle Circulation/Safety
Programmatic improvements to the transportation system to enhance its usability and safety for bicycles. Infrastructure improvements on the citywide bicycle network, such as new bike lanes and paths. Bicycle parking facilities such as bike racks and lockers. Support for bicycle outreach

and education programs. Improvements must be consistent with the city's bicycle plan. The first $27.6M is Priority 1. The next $2.4M is Priority 2 and the remainder is Priority 3. Includes project development and capital costs. Sponsoring Agencies: DPT, DPW, BART, PCJPB. Total Funding: $77.6; Prop K: $56.0M.

c. Pedestrian Circulation/Safety

Programmatic improvements to the safety and usability of city streets for pedestrians, prioritized as identified in the Pedestrian Master Plan. Includes flashing pavement reflectors on crosswalks, pedestrian islands in the medians of major thoroughfares, sidewalk bulb-outs, sidewalk widenings, and improved pedestrian circulation around BART and Caltrain stations. Includes project development and capital costs. Sponsoring Agencies: DPT, MUNI, DPW, BART, PCJPB. The first $23.8M is Priority 1. The next $1.2M is Priority 2 and the remainder is Priority 3. Total Funding: $69.7M; Prop K: $52.0M.

d. Curb Ramps

Construction of new wheelchair curb ramps and related roadway work to permit ease of movement for the mobility impaired. Reconstruction of existing ramps. Includes project development and capital costs. Sponsoring Agency: DPW, MUNI. The first $23.6M is Priority 1. The next $2.4M is Priority 2 and the remainder is Priority 3. Total Funding: $66.0M; Prop K: $36.0M.

e. Tree Planting and Maintenance

Planting of new street trees and maintenance of new and existing trees in public rights-of-way throughout the city. Sponsoring Agency: DPW. The first $32.8M is Priority 1. The next $4.2M is Priority 2 and the remainder is Priority 3. Total Funding: $95.0M; Prop K: $41.0M.

TRANSPORTATION SYSTEM MANAGEMENT/STRATEGIC INITIATIVES

TRANSPORTATION DEMAND MANAGEMENT/PARKING MANAGEMENT

Develop and support continued Transportation Demand Management (TDM) and parking requirements for downtown buildings, special event sites, and schools and universities. Includes neighborhood parking management studies. Support related projects that can lead to reduction of single-occupant vehicle dependence and encourage alternative modes such as bicycling and walking, including Pedestrian Master Plan development and updates (Priority 1), citywide Bicycle Plan updates, and traffic circulation plans. Conduct transit service planning such as route restructuring studies to optimize connectivity with rapid bus network and major transit facilities (e.g. Transbay Terminal and Balboa Park BART station). Funds for studies and projects to improve access of disadvantaged populations to jobs and key services. Includes planning, project development and capital costs. Sponsoring Agencies: MUNI, DPT, Planning, SFCTA, DOE, DAS. The first $11.6M is Priority 1 and the remainder is Priority 2. Total Funding: $28.9M; Prop K: $13.2M.

TRANSPORTATION/LAND USE COORDINATION

Transportation studies and planning to support transit oriented development and neighborhood transportation planning. Local match for San Francisco and regional Transportation for Livable Communities (TLC)/Housing Incentive Program (HIP) grant programs that support transit oriented development and fund related improvements for transit, bicyclists, and pedestrians including streetscape beautification improvements such as landscaping, lighting and street furniture. Includes planning, project development and capital costs. Sponsoring Agencies: DPT, DPW, MUNI, Planning, SFCTA, BART, PCJPB. The first $17.6M is Priority 1 and the remainder is Priority 2. Total Funding: $33.6M; Prop K: $20.0M.

5. IMPLEMENTATION PROVISIONS

A. PROGRAMMATIC CATEGORIES—DEFINITION

This Expenditure Plan identifies eligible

expenditures for specific transportation projects as well as for programmatic categories. Programmatic categories are set up to address allocation of funds to multi-year programs for a given purpose, such as the maintenance of traffic signals, for which not all specific project locations can be anticipated or identified at the time of adoption of the Expenditure Plan.

B. PRIORITIZATION PROCESS

For programmatic categories and for projects involving multiple agencies, subsequent to approval of the Expenditure Plan, the Authority Board shall designate a lead agency responsible for prioritizing the program of projects for the category, and for implementing the project(s).

Prior to allocation of any sales tax funds, the lead agency shall prepare, in close consultation with all other affected planning and implementation agencies and the Authority, a 5-year prioritized program of projects (for programmatic categories) including budget, scope and schedule; or a 5-year project delivery timetable, budget and scope (for individual projects) consistent with the Strategic Plan for use of the Prop K funds, for review and adoption by the Authority Board. Program goals shall be consistent with the Countywide Transportation Plan and with the City's General Plan.

The program of projects shall at a minimum address, the following factors:

i. Project readiness, including schedule for completion of environmental and design phases; well-documented preliminary cost estimates, and documented community support as appropriate;

ii. Compatibility with existing and planned land uses, and with adopted standards for urban design and for the provision of pedestrian amenities; and supportiveness of planned growth in transit-friendly housing, employment and services.

iii. A prioritization mechanism to rank projects within the program, addressing, for each proposed project:

   a. Relative level of need or urgency
   b. Cost Effectiveness
   c. A fair geographic distribution that takes into account the various needs of San Francisco's neighborhoods.

iv. Funding plan, including sources other than Prop K

The lead agency shall conduct appropriate public outreach to ensure an inclusive planning process for the development of the program of projects, as well as general plan referral or referral to any City Department or Commission as required.

The lead agency shall also identify appropriate performance measures, such as increased system connectivity, increased transit ridership (net new riders), reductions in travel time for existing riders, and increased use of alternatives to the single-occupant automobile; as well as milestone targets and a timeline for achieving them, to ensure that progress is made in meeting the goals and objectives of the program.

These performance measures shall be developed in collaboration with the Authority, shall be consistent with Congestion Management Program requirements and guidelines issued by the Authority, and shall be submitted for review and approval by the Authority.

The lead agency shall be eligible for planning funds from this category for the purpose of completing the development of the program of projects. Lead agencies will also be encouraged to explore alternative and non-traditional methods for project and service delivery where they offer opportunities for increased cost-effectiveness and/or shortened project delivery timelines.

As part of the Strategic Plan development process, the Authority shall adopt, issue and update detailed guidelines for the development of programs of projects, including further detail on the definition and application of the concept of land use/housing-supportive transportation projects as referenced in 4.A.i. Transit-Major Capital Projects, as well as for the development of project scopes, schedules and budgets.

6. ALLOCATION AND RE-ALLOCATION OF FUNDS

Each New Expenditure Plan program or project (see definition in Section 3 above) shall be funded using sales tax revenue up to the total amount for that program or project in Priority 1. If, after funding all Priority 1 projects in a subcategory, the latest Prop K Strategic Plan Update cash flow analysis forecasts available revenues in excess of Priority 1 levels, the Authority Board may allow programming of Priority 2 revenues within the subcategory, subject to the category percentage caps and program or project dollar amount caps for Priority 2 established in the New Expenditure Plan. After funding at least 80% of Priority 2 project dollar amounts, the Authority Board may program Priority 3 requests, if the latest Prop K Strategic Plan forecasts revenues beyond the total Priority 2 level.

In the case of Major Capital Projects, the lead agency shall submit to the Authority Board for approval a schedule of project delivery milestones required to ensure that Prop K funds allocated to the project are obligated in a timely manner. The project delivery milestones shall include the completion of environmental clearances, securing of necessary project funding, and the start of construction or implementation. The Authority staff shall prepare a report at least annually, to the Authority Board, to communicate the status of these projects. If a project has not achieved any given project milestone within a period of 5 years, the funds earmarked for the project shall be subject to re-programming by the Transportation Authority Board, by a 2/3 vote.

7. UPDATE PROCESS

Pursuant to the provisions of Division 12.5 of the California Public Utilities Code, the Authority Board may adopt an updated Expenditure Plan anytime after twenty years from the effective date of adoption of the New Expenditure Plan, but no later than the last general election in which the New Expenditure Plan is in effect. In order to develop and adopt an updated Expenditure Plan, the Authority Board shall appoint an Expenditure Plan Update Advisory Committee, to develop the updated Expenditure Plan. A recommendation for adoption of the updated Expenditure Plan shall require a 2/3 vote of the Authority Board.

The following abbreviations are used for Sponsoring Agencies:

BART	Bay Area Rapid Transit District
Caltrans	California Department of Transportation
DAS	Department of Administrative Services
DOE	Department of the Environment
DPT	Department of Parking and Traffic
DPW	Department of Public Works
GGBHTD	Golden Gate Bridge, Highway and Transit District
MUNI	San Francisco Municipal Railway
PCJPB	Peninsula Corridor Joint Powers Board (Caltrain)
Planning	Planning Department
SFCTA	San Francisco County Transportation Authority
TJPA	Transbay Joint Powers Authority

Attachment 1: Expenditure Plan Advisory Committee Roster

Tom Radulovich, Chair	At-Large Member
Gwyneth Borden, Vice Chair	Business Advisory Group
Jim Bourgart	Business Advisory Group
Gabriel Metcalf	Business Advisory Group
Duane Papierniak	Business Advisory Group
Patricia Tolar	Business Advisory Group
Val Menotti	CAC Member
Jackie Sachs	CAC Member
Roger Peters	CAC Member
Wil Din	CAC Member
Art Michel	CAC Member
James Haas	At-Large Member
Jessie Lorenz	At-Large Member
Fran Martin	At-Large Member
Bruce M. Oka	At-Large Member
Luis Pardo	At-Large Member
Pi Ra	At-Large Member
Norman Rolfe	At-Large Member
Michael Smith	At-Large Member
Dave Snyder	At-Large Member
Andrew Sullivan	At-Large Member
Elizabeth Dunlap	CAC Alternate
Terry Micheau	CAC Alternate
Ben Tom	CAC Alternate
Michael Kiesling	At-Large Alternate
Dennis J. Oliver	At-Large Alternate
David Pilpel	At-Large Alternate
Brett Orlanski	At-Large Alternate

APPENDIX 68: MINIMUM WAGE

Proposition L, Adopted, November 4, 2003

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING CHAPTER 12R, ENCOMPASSING SECTIONS 12R.1 TO 12R.11 TO PROVIDE THAT A PRESCRIBED MINIMUM WAGE BE PAID TO ALL EMPLOYEES WORKING IN SAN FRANCISCO.

Note: All sections are new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. In order to safeguard the public welfare, health, safety and prosperity of the City and County of San Francisco (the "City"), it is essential that all persons working in our community earn wages that ensure a decent and healthy life for them and their families. An estimated 50,000 working people in San Francisco earn little more than California's current state minimum wage of $6.75 per hour—not nearly enough for them to meet their families' basic needs, particularly given the costs of living and housing in the Bay Area, which rank among the highest in California and the United States. As a consequence, they must work long hours and multiple jobs, causing hardship for their families, preventing them from pursuing further education, and limiting their participation in the civic and cultural life of our community.

Since its adoption in 2000, San Francisco's Minimum Compensation Ordinance has helped ensure decent pay for tens of thousands of workers at businesses that receive service contracts from the City or that benefit from the use of certain City-owned property. We now build on that success by adopting a broader Minimum Wage Ordinance that will ensure that all businesses in the City pay a decent minimum wage of at least $8.50 per hour. By enabling more workers to support and care for their families through their own efforts and with less need for financial assistance from the government, the City can safeguard the general welfare, health, safety and prosperity of all San Franciscans.

When businesses do not pay a livable wage, the surrounding community and the taxpayers bear many of the associated costs in the form of increased demand for taxpayer-funded services including homeless shelters, soup kitchens, and healthcare for the uninsured. Jobs paying a decent wage will ensure a more stable workforce for our City, increase consumer income, decrease poverty and invigorate neighborhood business. It is therefore in the interest of all San Franciscans to ensure that employers benefiting from the opportunity to do business in our City pay their employees a more adequate minimum wage. Public and private efforts to implement this policy accordingly serve the public interest and constitute a significant public benefit.

Section 2. Amendment to Chapter 12 of the Administrative Code. The San Francisco Administrative Code is hereby amended by adding Chapter 12R, encompassing Sections 12R.1 to 12R.11, to read as follows:

CHAPTER 12R
MINIMUM WAGE

Sec. 12R.1. Title
Sec. 12R.2. Authority
Sec. 12R.3. Definitions
Sec. 12R.4. Minimum Wage
Sec. 12R.5. Notice, Posting and Payroll Records
Sec. 12R.6. Retaliation Prohibited
Sec. 12R.7. Implementation and Enforcement
Sec. 12R.8. Waiver Through Collective Bargaining
Sec. 12R.9. Relationship to Other Requirements
Sec. 12R.10. Application of Minimum Wage to Welfare-to-Work Programs
Sec. 12R.11. Effective Date
Sec. 12R.12. Severability
Sec. 12R.13. Amendment by the Board of Supervisors

SEC. 12R.1. TITLE.

This Chapter shall be known as the "Minimum Wage Ordinance."

SEC. 12R.2. AUTHORITY.

This Chapter is adopted pursuant to the powers vested in the City and County of San Francisco ("the City") under the laws and Constitution of the State of California and the City Charter including, but not limited to, the police powers vested in the City pursuant to Article XI, Section 7 of the California Constitution and Section 1205(b) of the California Labor Law.

SEC. 12R.3. DEFINITIONS.

As used in this Chapter, the following capitalized terms shall have the following meanings:

"Agency" shall mean the Living Wage/Living Health Division of the Office of Contract Administration or such other City department or agency as the City shall by resolution designate.

"City" shall mean the City and County of San Francisco.

"Employee" shall mean any person who:

(a) In a particular week performs at least two (2) hours of work for an Employer within the geographic boundaries of the City; and

(b) Qualifies as an employee entitled to payment of a minimum wage from any employer under the California minimum wage law, as provided under Section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission, or is a participant in a Welfare-to-Work Program.

"Employer" shall mean any person, as defined in Section 18 of the California Labor Code, including corporate officers or executives, who directly or indirectly or through an agent any other person, including through the services of a temporary services or staffing agency or similar entity, employs or exercises control over the wages, hours or working conditions of any Employee.

"Minimum Wage" shall have the meaning set forth in Section 4 of this Chapter.

"Small Business" shall mean an Employer for which fewer than ten (10) persons perform work for compensation during a given week. In determining the number of persons performing work for an Employer during a given week, all persons performing work for compensation on a full-time, part-time, or temporary basis shall be counted, including persons made available to work through the services of a temporary services or staffing agency or similar entity.

"Nonprofit Corporation" shall mean a nonprofit corporation, duly organized, validly existing and in good standing under the laws of the jurisdiction of its incorporation and (if a foreign corporation) in good standing under the laws of the State of California, which corporation has established and maintains valid nonprofit status under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and all rules and regulations promulgated under such Section.

"Welfare-to-Work Program" shall mean the City's CalWORKS Program, County Adult Assistance Program (CAAP) which includes the Personal Assisted Employment Services (PAES) Program, and General Assistance Program, and any successor programs that are substantially similar to them.

SEC. 12R.4. MINIMUM WAGE.

(a) Employers shall pay Employees no less than the Minimum Wage for each hour worked within the geographic boundaries of the City.

(b) Beginning on the effective date of this Chapter, the Minimum Wage shall be an hourly rate of $8.50. To prevent inflation from eroding its value, beginning on January 1, 2005, and each year thereafter, the Minimum Wage shall increase by an amount corresponding to the prior year's increase, if any, in the Consumer Price Index for urban wage earners and clerical workers for the San Francisco-Oakland-San Jose, CA metropolitan statistical area.

(c) The Minimum Wage for Employers that are Small Businesses or Nonprofit Corporations shall phase in over a two year period in order to afford such Employers time to adjust. For such Employers, the effective date of this Chapter shall be January 1, 2005. For a transition period beginning January 1, 2005 and ending December 31, 2005, the Minimum Wage for Employees of such Employers shall be an hourly rate of $7.75. Beginning January 1, 2006, the Minimum Wage for Employees of such Employers shall be the regular Minimum Wage established pursuant to Section 4(b) of this Chapter.

SEC. 12R.5. NOTICE, POSTING AND PAYROLL RECORDS.

(a) By December 1 of each year, the Agency shall publish and make available to Employers a bulletin announcing the adjusted Minimum Wage rate for the upcoming year, which shall take effect on January 1. In conjunction with this bulletin, the Agency shall by December 1 of each year publish and make available to Employers, in all languages spoken by more than five percent of the San Francisco work force, a notice suitable for posting by Employers in the workplace informing Employees of the current Minimum Wage rate and of their rights under this Chapter.

(b) Every Employer shall post in a conspicuous place at any workplace or job site where any Employee works the notice published each year by the Agency informing Employees of the current Minimum Wage rate and of their rights under this Chapter. Every Employer shall post such notices in English, Spanish, Chinese and any other language spoken by at least five percent of the Employees at the workplace or job site. Every Employer shall also provide each Employee at the time of hire the Employer's name, address and telephone number in writing.

(c) Employers shall retain payroll records pertaining to Employees for a period of four years, and shall allow the Agency access to such records, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this Chapter. Where an Employer does not maintain or retain adequate records documenting wages paid or does not allow the Agency reasonable access to such records, it shall be presumed that the Employer paid no more than the applicable federal or state minimum wage, absent clear and convincing evidence otherwise.

SEC. 12R.6. RETALIATION PROHIBITED.

It shall be unlawful for an Employer or any other party to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under this Chapter. Rights protected under this Chapter include, but are not limited to: the right to file a complaint or inform any person about any party's alleged noncompliance with this Chapter; and the right to inform any person of his or her potential rights under this Chapter and to assist him or her in asserting such rights. Protections of this Chapter shall apply to any person who mistakenly, but in good faith, alleges noncompliance with this Chapter. Taking adverse action against a person within ninety (90) days of the person's exercise of rights protected under this Chapter shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights.

SEC. 12R.7. IMPLEMENTATION AND ENFORCEMENT.

(a) *Implementation.* The Agency shall be authorized to coordinate implementation and enforcement of this Chapter and may promulgate appropriate guidelines or rules for such purposes. Any guidelines or rules promulgated by the Agency shall have the force and effect of law and may be relied on by Employers, Employees and other parties to determine their rights and responsibilities under this Chapter. Any guidelines or rules may establish procedures for ensuring fair, efficient and cost-effective implementation of this Chapter, including supplementary procedures for helping to inform Employees of their rights under this Chapter, for monitoring Employer compliance with this Chapter, and for providing administrative hearings to determine whether an Employer or other person has violated the requirements of this Chapter.

(b) *Administrative Enforcement.* The Agency is authorized to take appropriate steps to enforce this Chapter. The Agency may investigate any possible violations of this Chapter by an Employer or other person. Where the Agency has reason to believe that a violation has occurred, it may order any appropriate temporary or interim relief to mitigate the violation or maintain the status quo pending completion of a full investigation or hearing. Where the Agency, after a hearing that affords a suspected violator due process, determines that a violation has occurred, it may order any appropriate relief including, but not limited to, reinstatement, the payment of any back wages unlawfully withheld, and the payment of an additional sum as an administrative penalty in the amount of $50 to each Employee or person whose rights under this Chapter were violated for each day or portion thereof that the violation occurred or continued. Where prompt compliance is not forthcoming, the Agency may take any appropriate enforcement action to secure compliance, including initiating a civil action pursuant to Section 7(c) of this Chapter and/or, except where prohibited by state or federal law, requesting that City agencies or departments revoke or suspend any registration certificates, permits or licenses held or requested by the Employer or person until such time as the violation is remedied. In order to compensate the City for the costs of investigating and remedying the violation, the Agency may also order the violating Employer or person to pay to the City a sum of not more than $50 for each day or portion thereof and for each Employee or person as to whom the violation occurred or continued. Such funds shall be allocated to the Agency and shall be used to offset the costs of implementing and enforcing this Chapter. The amounts of all sums and payments authorized or required under this Chapter shall be updated annually for inflation, beginning January 1, 2005, using the inflation rate and procedures set forth in Section 4(b) of this Chapter. An Employee or other person may report to the Agency in writing any suspected violation of this Chapter. The Agency shall encourage reporting pursuant to this subsection by keeping confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the Employee or person reporting the violation. Provided, however, that with the authorization of such person, the Agency may disclose his or her name and identifying information as necessary to enforce this Chapter or for other appropriate purposes.

(c) *Civil Enforcement.* The Agency, the City Attorney, any person aggrieved by a violation of this Chapter, any entity a member of which is aggrieved by a violation of this Chapter, or any other person or entity acting on behalf of the public as provided for under applicable state law, may bring a civil action in a court of competent jurisdiction against the Employer or other person violating this Chapter and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of any back wages unlawfully withheld, the payment of an additional sum as liquidated damages in the amount of $50 to each Employee or person whose rights under this Chapter were violated for each day or portion thereof that the violation occurred or continued, reinstatement in employment and/or injunctive relief, and shall be awarded reasonable attorneys' fees and costs. Provided, however, that any person or entity enforcing this Chapter on behalf of the public as

provided for under applicable state law shall, upon prevailing, be entitled only to equitable, injunctive or restitutionary relief, and reasonable attorneys' fees and costs.

SEC. 12R.8. WAIVER THROUGH COLLECTIVE BARGAINING.

All or any portion of the applicable requirements of this Chapter shall not apply to Employees covered by a bona fide collective bargaining agreement to the extent that such requirements are expressly waived in the collective bargaining agreement in clear and unambiguous terms.

SEC. 12R.9. RELATIONSHIP TO OTHER REQUIREMENTS.

This Chapter provides for payment of a minimum wage and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement, policy or standard that provides for payment of higher or supplemental wages or benefits, or that extends other protections including, but not limited to, the San Francisco Minimum Compensation Ordinance.

SEC. 12R.10. APPLICATION OF MINIMUM WAGE TO WELFARE-TO-WORK PROGRAMS.

The Minimum Wage established pursuant to Section 4(b) of this Chapter shall apply to the City's Welfare-to-Work programs under which persons must perform work in exchange for receipt of benefits. Participants in Welfare-to-Work Programs shall not, during a given benefits period, be required to work more than a number of hours equal to the value of all cash benefits received during that period, divided by the Minimum Wage. Where state or federal law would preclude the City from reducing the number of work hours required under a given Welfare-to-Work Program, the City may comply with this Section by increasing the cash benefits awarded so that their value is no less than the product of the Minimum Wage multiplied by the number of work hours required.

SEC. 12R.11. EFFECTIVE DATE.

This Chapter shall become effective ninety (90) days after it is adopted. This Chapter is intended to have prospective effect only.

SEC. 12R.12. SEVERABILITY.

If any part or provision of this Chapter, or the application of this Chapter to any person or circumstance, is held invalid, the remainder of this Chapter, including the application of such part or provisions to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

SEC. 12R.13. AMENDMENT BY THE BOARD OF SUPERVISORS.

This Chapter may be amended by the Board of Supervisors as regards the implementation or enforcement thereof, but not as regards the substantive requirements of the Chapter or its scope of coverage.

APPENDIX 69: AGGRESSIVE SOLICITATION BAN

Proposition M, Adopted, November 4, 2003

Ordinance repealing sections 120, 120-1 and 121 of the San Francisco Police Code regulating begging, aggressive solicitation and loitering near ATM machines and adding section 120-2 regulating aggressive solicitation, solicitation in certain areas and establishing a substance abuse and mental health diversion program for eligible violators.

Note: Additions are underlined.
Deletions are ~~strikethrough~~.

Be it ordained by the People of the City and County of San Francisco:

~~SEC. 120. BEGGING IN PUBLIC STREETS, ETC., PROHIBITED.~~

~~It shall be unlawful for any person to beg or practice begging in or on any public street or in any public place. (Added by Ord. 1.075, App. 10/11/38)~~

~~SEC. 120-1. AGGRESSIVE SOLICITING PROHIBITED.~~

~~(a) Findings. The people of the City and County of San Francisco find that aggressive solicitation for money directed at residents, visitors, and tourists in areas of the City open to the public imperils their safety and welfare. This conduct in turn jeopardizes the City's economy by discouraging visitors and prospective customers from coming to San Francisco for business, recreation, and shopping. This conduct also threatens to drive City residents out of the City for their recreational and shopping activities. Further, the people find that aggressive solicitation undermines the public's basic right to be in and enjoy public places without fear that they will be pursued by others seeking handouts. The people further find that no state laws address or protect the public from these problems.~~

~~(b) Prohibition. In the City and County of San Francisco, it shall be unlawful for any person on the streets, sidewalks, or other places open to the public, whether publicly or privately owned, including parks, to harass or hound another person for the purpose of inducing that person to give money or other thing of value.~~

~~(c) Definitions. For the purpose of this ordinance, an individual (solicitor) harasses or hounds another (solicitee) when the solicitor closely follows the solicitee and requests money or other thing of value, after the solicitee has expressly or impliedly made it known to the solicitor that the solicitee does not want to give money or other thing of value to the solicitor.~~

~~(d) Penalties.~~

~~(1) Any person violating any provision of this section shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less than $50 or more than $100, and/or community service, for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than $200 or more than $500, and/or community service, for each provision~~

~~violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. In any accusatory pleading charging a violation of this section, if the defendant has been previously convicted of a violation of this section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this section a second time within a thirty day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $300 and not more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this section a third time, and each subsequent time, within a thirty day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $400 and not more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.~~

~~(e) Severability. If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The voters hereby declare that they would have adopted this Section notwithstanding the unconstitutionality, invalidity, or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words. (Added by Proposition J, 11/3/92)~~

~~SEC. 121. LOITERING AT OR NEAR CASH DISPENSING MACHINES PROHIBITED.~~

~~(a) Findings. The People of the City and County of San Francisco find that persons who loiter or linger at or near cash dispensing machines imperil the public's safety and welfare. Cash dispensing machines have become the site of robberies and assaults. Prohibiting loitering or lingering at or near such machines may decrease the incidence of these crimes by providing law enforcement officers with an additional crime fighting tool that does not infringe on any person's basic rights.~~

~~In addition, the People find that persons making legitimate use of cash dispensing machines have become intimidated and fearful for their safety because of the presence of persons loitering at or near the machines. No state law addresses this type of behavior or protects the public from these problems.~~

~~(b) Prohibition. In the City and County of San Francisco, it shall be unlawful for any person to loiter or linger at or near any cash dispensing machine located on the exterior of any building.~~

~~(c) Definitions.~~

~~(1) For the purpose of this ordinance, a person loiters or lingers at or near a cash dispensing machine when the person remains within 30 feet of such a machine for a period of over one minute, while another person is conducting lawful business by using the cash dispensing machine.~~

~~(2) For the purpose of this ordinance, a cash dispensing machine is any machine at which a person may obtain cash by inserting a coded card. Cash dispensing machines include what are commonly referred to as automatic teller machines.~~

~~(d) Application. This ordinance is not intended to prohibit any person from engaging in any lawful business that must be conducted within 30 feet of a cash dispensing machine, such as (1) conducting a transaction at a cash dispensing machine; (2) waiting in line to conduct a transaction at a cash dispensing machine; (3) accompanying or assisting another person, with that person's permission, in conducting a transaction at a cash dispensing machine; or (4) activities such as waiting for a bus at a bus stop or waiting in line to enter a theater or other business where the bus stop or line is within 30 feet of a cash dispensing machine. Lawful business does not include any activity that can be conducted more than 30 feet from a cash dispensing machine.~~

~~Before any law enforcement officer may cite or arrest a person under this ordinance, the officer must warn the person that his or her conduct is in violation of this ordinance and must give the person an opportunity to comply with the provisions of this ordinance.~~

~~(e) Penalties.~~

~~(1) First Conviction. Any person violating any provision of this Section shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less than $50 or more than $100, and/or community service, for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than $200 or more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.~~

~~(2) Subsequent Convictions. In any accusatory pleading charging a violation of this Section, if the defendant has been previously convicted of a violation of this Section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Section a second time within a 30-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $300 or more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this Section a third time, and each subsequent time, within a 30-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $400 and not more than $500, and/or community service, for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.~~

~~(f) Severability. If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof. The People hereby declare that they would have adopted this Section notwithstanding the unconstitutionality, invalidity or ineffectiveness of any one or more of its subsections, sentences, clauses, phrases, or words.~~

~~After July 1, 1995, the Board of Supervisors shall have the power to amend or repeal this Ordinance if the Board finds that such amendment or repeal is in the best interest of the People of the City and County of San Francisco. (Added by Proposition J, 6/7/94)~~

SEC. 120-2 Aggressive Solicitation Ban/Substance Abuse and Mental Health Diversion Program

(a) Findings

The people of San Francisco find that the problems of aggressive and improper solicitation are among the most difficult and vexing faced by the City and that prior approaches mostly have failed.

The people of San Francisco find that aggressive solicitation for money in public and private places threatens residents' and visitors' safety, privacy and quality of life. San Franciscans seek policies that preserve citizens' right to enjoy public spaces free from fear and harassment while protecting the free speech rights of individuals and groups, permitting appropriate and safe commercial activities of street artisans, performers and merchants and providing for the basic needs of indigent and vulnerable populations. Where appropriate, San Franciscans also seek to establish policies and programs that limit the ability of indigent and homeless substance abusers to use cash contributions for the purchase of alcohol and illegal drugs.

The people of San Francisco find that the City's existing laws regulating panhandling and solicitation are outdated and unenforceable as a result of numerous court decisions and criminalize violators instead of diverting them to screening and assessment for eligibility in drug and alcohol dependency and mental health treatment programs.

The people of San Francisco find that people who aggressively or improperly solicit because of drug or alcohol dependency or mental illness should be diverted from the criminal court system to a program

of screening, assessment and referral operated by the San Francisco Department of Public Health.

(b) Goals

This section: (1) replaces prior bans on panhandling, restrictions on aggressive solicitation, and solicitation near automatic teller machines (ATMs) rendered unenforceable by court rulings with a new aggressive solicitation prohibition; (2) establishes new specific prohibitions on solicitation near ATM machines, near residential property, in parking lots, on median strips and near freeway offramps and on the Municipal Railway and the BART system; (3) establishes a requirement that, as appropriate, violators of this ordinance be diverted from the criminal justice system to a screening and assessment program to identify candidates for alcohol and drug dependency treatment and mental health services administered by the Department of Public Health in order to clear their citations.

(c) Definitions

For purposes of this section:

1. "Aggressive manner" shall mean:

A. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;

B. Continuing to solicit from a person after the person has given a negative response to such soliciting;

C. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;

D. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

E. Using violent or threatening gestures toward a person solicited; or,

F. Following the person being solicited, with the intent of asking that person for money or other things of value.

2. "Soliciting" shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place. Soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

3. "Public place" shall mean a place where a governmental entity has title, to which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

4. "Check cashing business" shall mean any person duly licensed by the Attorney General to engage in the business of cashing checks, drafts or money orders for consideration pursuant to Section 1789.31 of the California Civil Code.

5. "Automated teller machine" shall mean a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

6. "Automated teller machine facility" shall mean the area comprised of one or more automatic teller machines, and any adjacent space that is made available to banking customers after regular banking hours.

(d) Prohibited acts

1. No person shall solicit in an aggressive manner in any public place.

2. No person shall solicit within twenty feet of any entrance or exit of any check cashing business or within twenty feet of any automated teller machine without the consent of the owner of the property or another person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.

3. No person shall solicit an operator or other occupant of a motor vehicle while such vehicle is located on any street or highway on-ramp or off-ramp,

for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting donations or the sale of goods or services. Provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passenger of such vehicle.

4. No person shall solicit in any public transportation vehicle, or in any public or private parking lot or structure.

5. Before any law enforcement officer may cite or arrest a person under this ordinance, the officer must warn the person that his or her conduct is in violation of this ordinance and must give the person an opportunity to comply with the provisions of this ordinance.

(e) Penalties

Any person violating any provision of this section shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine not to exceed $50, or by attending a screening, assessment and diversion program designed and administered by the Department of Public Health and approved by the San Francisco Public Health Commission to identify candidates for drug and alcohol dependency counseling and treatment and mental health services. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than $50 or more than $100, and/or by attending a screening, assessment and diversion program designed and administered by the Department of Public Health and approved by the San Francisco Public Health Commission to identify candidates for drug and alcohol dependency counseling and treatment and mental health services. Any person guilty of violating this ordinance three or more times in a twelve month period shall be guilty of a misdemeanor and shall be fined not less than $300 or more than $500, and/or referred to a screening, assessment and diversion program designed and administered by the Department of Public Health and approved by the San Francisco Public Health Commission to identify candidates for drug and alcohol dependency counseling and treatment and mental health services, and/or referred to a community service assignment, or imprisoned in the county jail for a period no longer than three months.

(f) Diversion Program

The Director of Public Health shall establish, administer and/or certify the assessment and screening programs set forth in subsection (e) of this section and shall establish guidelines for determining whether and under what circumstances violators may be eligible to participate in diversion programs. In addition, the Department of Public Health shall establish, administer and/or certify diversion programs appropriate for treatment of violators, and shall establish guidelines for determining whether the conditions of diversion have been satisfied. All rules and guidelines governing the diversion program shall be established by the Director of Public Health subject to the approval of the San Francisco Health Commission not later than six months after the Board of Supervisors has declared the results of the election at which this measure is passed. Individuals who are referred for treatment but fail to participate in such treatment shall be subject to the other penalties set forth in subsection (e) of this section.

(g) Effective Date

This law shall become effective six months after the Board of Supervisors has declared the results of the election at which this measure is passed.

(h) Severability

If any section, sentence, clause, or phrase of this law is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.

APPENDIX 70: REPLACEMENT OF DIESEL BUSES

Proposition I, Adopted, March 2004

[Healthy Air Enforcement Act of 2004.]

Ordinance adding a new Section 410 of the Environment Code to require that the Municipal Railway replace all pre-1991 diesel buses on or before January 1, 2007, setting annual deadlines for the retirement of outmoded buses, and allowing the San Francisco County Transportation Authority to extend these annual deadlines under certain circumstances.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

SECTION 1. Title

This measure shall be known and may be cited as the "Healthy Air Enforcement Act of 2004."

SECTION 2. Findings and Declarations

The people of the City and County of San Francisco find and declare all of the following:

The San Francisco Municipal Railway (hereinafter referred to as "Muni")'s operation of very old (pre-1995), highly polluting diesel buses poses a serious health risk to San Franciscans.

In 1998, the California Air Resources Board (CARB) identified diesel particulate matter (diesel PM) as a toxic air contaminant based on its potential to cause cancer and other adverse health effects. In addition to PM, CARB has determined that emissions from diesel-fueled engines include over 40 other cancer causing substances. According to the CARB, emissions from diesel engines are responsible for the majority of the potential airborne cancer risk in California.

The people of the City and County of San Francisco are committed to reducing air pollution emissions.

Numerous clean bus technologies have been certified by the California Air Resources Board (CARB) and are available for purchase by MUNI. These technologies can significantly reduce air pollution in the City.

Muni is California's third largest public transit district, serves California's second largest metropolitan area, and is therefore ideally positioned to be a leader among transit operators in the implementation of a cleaner bus technology. At least 30 of California's transit districts have already eliminated conventional diesel buses because of the health risks they pose.

It is time for Muni to phase out highly polluting diesel buses and to acquire CARB-certified buses to replace them.

SECTION 3. Purpose and Intent

The people of the City and County of San Francisco declare their purpose and intent in enacting the "Healthy Air Enforcement Act of 2004" to be as follows:

To recognize that Muni's operation of very old, highly polluting diesel buses poses a serious health risk to San Franciscans.

To take action to fulfill the commitment of the people of the City and County of San Francisco to reduce air pollution emissions.

To recognize that the highly polluting buses used by Muni emit harmful particles and smog forming emissions and that the use of CARB-certified buses will significantly reduce air pollution in the City.

To make Muni a leader among transit operators in the implementation of cleaner bus technology by eliminating polluting diesel buses because of the health risk they pose.

To require that Muni phase out the highly polluting diesel buses and acquire CARB-approved buses to replace them.

SECTION 4. Chapter 4 of the San Francisco Environment Code is hereby amended by adding new Section 410 to read as follows:

SEC. 410. SAN FRANCISCO MUNICIPAL RAILWAY BUSES

Acquisition of Clean Muni Buses. Muni shall replace all pre-1991 diesel buses on or before January 1, 2007.

Phase Out of Highly Polluting Muni Diesel Buses. Muni shall remove from active or reserve service and shall no longer operate any diesel bus that exceeds its 12 year useful life based on the following schedule:

(1) All diesel buses that were purchased on or before December 31, 1988 shall be removed from active or reserve service on or before December 31, 2004;

(2) All diesel buses that were purchased on or before December 31, 1989 shall be removed from active or reserve service on or before December 31, 2005;

(3) All diesel buses that were purchased on or before December 31, 1990 shall be removed from active or reserve service on or before December 31, 2006.

Extensions. If replacement buses are not commercially available or unforeseen circumstances prevent Muni from procuring new buses on a timely basis, Muni may seek a one-time extension of up to twelve months from the San Francisco Transportation Authority (TA) for any of the aforementioned deadlines. Approval for such extensions shall require eight or more votes by the Transportation Authority Board of Commissioners. Extension requests shall be submitted in writing at least sixty days prior to the deadline and shall include a detailed accounting of why Muni is unable to meet its obligations under this measure. Extension requests shall also include a list of specific actions that Muni will undertake to offset the emission reductions that would have resulted if no extension were granted. Proposed emission reductions should benefit Muni passengers or residents living near diesel bus routes or diesel bus yards. All extension requests shall be evaluated by the Department of the Environment to determine the validity of proposed emission reductions. The Department of the Environment shall report its findings to the Board of Commissioners at least one week prior to the extension request hearing date.

Notwithstanding Section 406.(e)(2), the provisions of Section 406 shall apply to the acquisition of buses by Muni for its fleet.

SECTION 5. Severability

If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act that can be given effect in the absence of the invalid provision or application. To this end, the provisions of this act are severable.

APPENDIX 71: NAMING THE STADIUM AT CANDLESTICK POINT

Proposition H, Adopted, November 2004

Ordinance amending the San Francisco Administrative Code by adding Section 4.24, to name the City-owned sports stadium located at Candlestick Point as "Candlestick Park."

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Section 4.24, to read as follows:

SEC. 4.24. NAMING THE CITY-OWNED STADIUM "CANDLESTICK PARK."

The City-owned sports stadium located at Candlestick Point, at Jamestown Street and Harney Way, is hereby named and shall be referred to as "Candlestick Park." This ordinance shall not apply to any privately-owned facility that may in the future be constructed at that location.

APPENDIX 72: ECONOMIC ANALYSIS OF LEGISLATION

Proposition I, Adopted, November 2004

Ordinance amending the San Francisco Administrative Code by adding Sections 10.32, 10.32, and 10.33, to create an Office of Economic Analysis under the Controller, to require the Office of Economic Analysis to report on all pending City legislation having a potential material economic impact on the City, and to require the Economic and Workforce Development Department to prepare and periodically update an Economic Development Plan for the City; urging the Board of Supervisors to adopt appropriate rules and procedures to implement this measure; authorizing the Board to adopt appropriate amendments; and declaring it City policy to fully fund this measure.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Sections 10.31, 10.32, and 10.33, to read as follows:

Article IV: Economic Analysis and Development Planning

SEC. 10.31. OFFICE OF ECONOMIC ANALYSIS.

There shall be an Office of Economic Analysis under the Controller. The office shall consist of two economists and such other staff as provided subject to the budgetary and fiscal provisions of the Charter. The Mayor and the Board of Supervisors may each make recommendations to the Controller from a list of eligible candidates for the economist positions.

SEC. 10.32. ECONOMIC ANALYSIS OF LEGISLATION.

The Office of Economic Analysis ("the Office") shall identify and report on all legislation introduced at the Board of Supervisors that might have a material economic impact on the City, as determined by the Office. The Office shall solicit assistance from the Board of Supervisors' Budget Analyst, the Economic and Workforce Development Department, and such public or private economists or other experts or professionals as may be appropriate to analyze the likely impacts of the legislation on business attraction and retention, job creation, tax and fee revenues to the City, and other matters relating to the overall economic health of the City. Upon implementation of Section 10.33, the Office's analysis shall address whether the proposed legislation would promote or impede the policies contained in the most recent versions of the Economic Development Plan or Survey on Barriers to Employment Retention and Attraction provided for in that Section. The Office shall submit its analysis to the Board of Supervisors within 30 days of receiving the subject legislation from the Clerk of the Board, unless the President of the Board grants an extension for legislation of unusual scope or complexity. The Office's analysis shall be submitted to the Board of Supervisors prior to the legislation being heard in committee. (Added by Proposition I, 11/2/2004)

SEC. 10.33. ECONOMIC DEVELOPMENT PLAN.

(a) Within six months of the effective date of this Section, the Economic and Workforce Development Department shall prepare and present to the Board of Supervisors for its approval by resolution a long-term Economic Development Plan for the City and County of San Francisco. The plan shall cover a period of not less than three years, and updates shall be prepared no less often than every three years. The Controller's Office of Economic Analysis shall work with the Economic and Workforce Development Department on preparation of the Plan and periodic updates.

(b) The plan and periodic updates shall address, but not be limited to:

(1) Employment in the City, by public and private industries and job classification;

(2) The City's tax revenues, by industry type and firm size;

(3) The industries most likely to create significant numbers of jobs in the City in the period covered by the plan, together with an assessment of the skills and education typically required to obtain such jobs;

(4) Goals for private and non-profit sector job and revenue generation, describing the industries, wage levels, skills and education required for the jobs the City would like to attract, and the anticipated tax revenue these new jobs would create;

(5) Goals and strategies for protecting existing small businesses and neighborhood-serving businesses from displacement, while also growing new businesses;

(6) Goals and strategies for increasing employment opportunities for people with disabilities and vulnerable populations; and

(7) Any other topic the Economic and Workforce Development Department deems useful or appropriate.

(c) The plan and periodic updates also shall include:

(1) An analysis of the office and industrial markets in the City;

(2) A review of the physical, financial, market and organizational factors impacting the City's ability to attract, retain and increase private and non-profit sector jobs;

(3) Identification and analysis of other significant public and private sector economic plans and initiatives intended to promote economic development within the City and the region;

(4) An assessment of the City's competitive strengths and weaknesses with respect to other regional, state and national markets; and

(5) The identification of best practices that other jurisdictions have successfully implemented to create private and non-profit sector jobs within their respective communities.

(d) As part of the initial plan required by this Section, and concurrent with any periodic update of the plan, the Economic and Workforce Development Department shall conduct a survey of key industries and significant employment generators that identifies impediments to business and employment retention in and attraction to the City, such as changes in zoning or permitted uses, permitting, taxes and fees, regulatory schemes and other City policies, requirements and other matters that may inhibit economic development and job creation within the City. The Economic and Workforce Development Department shall publish the results of the study, to be entitled "Survey on Barriers to Employment Retention and Attraction," in conjunction with and at the same time as promulgation of the first Economic Development Plan required by this Section.

Section 2. The voters urge the Board of Supervisors, upon the adoption of this measure, to adopt all necessary rules and procedures for its full implementation, including, but not limited to, a Rule of Order providing that the Board shall not consider or hold hearings on any proposed legislation until it has received the Office of Economic Analysis' report on the impact of the legislation, if any, on the San Francisco economy, and that the Board may waive this requirement by a two-thirds' vote if it finds that the public interest requires the immediate consideration of the measure.

Section 3. The Board of Supervisors may amend the provisions of this measure to promote or better achieve the underlying goal of comprehensive and professional economic planning and analysis.

Section 4. It shall be the policy of the people of the City and County of San Francisco to provide sufficient new funding to the Economic and Workforce Development Department and the Controller's Office of Economic Analysis to carry out the duties and responsibilities assigned to them under this measure.

ADMINISTRATIVE CODE INDEX

INDEX

— SYMBOLS —

911 EMERGENCY RESPONSE
Emergency management, see EMERGENCY MANAGEMENT
Fund, 10.100-67
Law enforcement, see LAW ENFORCEMENT

1660 MISSION STREET SURCHARGE
Annual setting of surcharge rate, 10F.2
Fee surcharge, 10F.1

— A —

ABATEMENT
Hazardous materials abatement work, contracts, 6.08
Neighborhood Beautification and Graffiti Clean-Up Fund, 10.100-114
Nuisance Abatement and Removal Fund, 10.100-238
Nuisances generally, see NUISANCES
Public nuisance abatement action, dismissal of,1.7-1

ACADEMY OF SCIENCES
Memorial buildings, 2A.160.1
Relationship with City and County, 2A.160

ACCIDENTS
Prevention
Human Resources Director, powers and duties, 16.121-4
Powers of city and county officers not divested, 16.121-5
Purpose of article, 16.121-1
Workers' Compensation Council
Members, 16.121-2
Powers and duties, 16.121-3
Procedure, 16.121-2

ACQUISITION OF COMMODITIES AND SERVICES (See PURCHASING)

ACTIONS AND PROCEEDINGS
Administrative debarment procedure
Authority, 28.2
Definitions, 28.1
Findings, 28.0
Grounds for debarment, 28.3
Hearings
Determinations, 28.10
Hearing officer appointment, 28.8
Request for, 28.6
Pre-hearing procedure, 28.9
Proceedings; counts, and allegations
Failure to respond, 28.7
Initiating, 28.4
Service, 28.5
Publication and reports of debarment, 28.13
Term and effect, 28.12
Violation of order, 28.12
Dismissal of actions
By attorney for the tax collector when full amount paid, 1.7-2
Public nuisance abatement action, 1.7-1
Eminent domain proceedings brought by United States, disclaimers, 1.7
Hold harmless agreements, 1.24
Jury fees
Grand juror fees, 45.2
Title, 45.1
Trial juror fees, 45.3
Settlement of claims for and against city and county
Airports Commission
Legal proceedings, 10.25-10
Unlitigated claims, 10.25-11
Claims in favor of city and county
Notice to be filed, 10.23
Settlement, 10.24

ACTIONS AND PROCEEDINGS (Cont'd)
Settlement of claims for and against city and county (Cont'd)
Commissions, disposition of claims by, 10.20-6
Controller
Offset
Amount owed insufficient, 10.27-2
Generally, 10.27-1
Hearing, 10.27-7
Net amount, 10.27-5
Section 16.32 not abridged, 10.27-6
When amount becomes payable, 10.27-3
When person fails to bill for payment, 10.27-4
Special counsel for actions against Controller by city and county, 10.28
Uniformed officers, claims, Controller to establish rules and regulations, 10.25-7
Deferred Payment of Settlement Trust Fund, 10.100-346
Deposit of money received, 10.26
Disposition of claims
By commissions, 10.20-6
Generally, 10.20-5
Emergency response expenses, calculation and recovery, 10.28A
Employee claims, see Officer and employee claims, this heading
Filing claim, necessity of, 10.20-1
Form of claim, 10.20-2
Fund, Deferred Payment of Settlement Trust Fund, 10.100-346
Grievance filed pursuant to valid memoranda of understanding, settlement, 10.25-12
Late claims, application for leave to present, 10.20-7
Memoranda of understanding, grievance filed pursuant to, settlement, 10.25-12
Minor's claims, settlement of, 10.22-1

ACTIONS AND PROCEEDINGS (Cont'd)
Settlement of claims for and against city and county (Cont'd)
Officer and employee claims
Non-uniformed employees
Damaged or destroyed property, 10.25-8
Stolen property, 10.25-9
Uniformed officers
Controller to establish rules and regulations, 10.25-7
Definitions, 10.25-2
Limitation on recovery, 10.25-6
Officers and employees included, 10.25-1
Payment, funding, department head certification, 10.25-5
Replacement or repair of damaged equipment, property, 10.25-3
Time in which verified claim must be filed, 10.25-4
Overpayment of salary or wages, 10.27
Presentation
Adjustment of claims for judgments and demands prior to, 10.21
Application for leave to present late claim, 10.20-7
Generally, 10.20-2
Payment of claims for judgments and demands prior to, 10.21
Place of, 10.20-4
Settlement of claims for judgments and demands prior to, 10.21
Time of, 10.20-3
Salary or wages, overpayment of, 10.27
Settlement
Claims, unlitigated, exceeding $25,000, exceptions, 10.22
Claims in favor of city and county
Generally, 10.24
Notice to be filed, 10.23
Deferred Payment of Settlement Trust Fund, 10.100-346
Exceptions, 10.25

ACTIONS AND PROCEEDINGS (Cont'd)
Settlement of claims for and against city and county (Cont'd)
Settlement (Cont'd)
Grievance filed pursuant to valid memoranda of understanding, 10.25-12
Litigation not exceeding $25,000, 10.22-2
Minor's claims, 10.22-1
Special counsel, actions against Controller by city and county, 10.28
Statute of limitations, requests for waiver of, 10.20-8
Time limits
Application for leave to present late claim, 10.20-7
Requests for waiver of statute of limitations, 10.20-8
Travel expenses, reimbursement, see OFFICERS AND EMPLOYEES
Wages or salary, overpayment of, 10.27
Waiver of statute of limitations, requests for, 10.20-8

ADMINISTRATIVE DEBARMENT PROCEDURE
Authority, 28.2
Definitions, 28.1
Findings, 28.0
Grounds for debarment, 28.3
Hearings
Determinations, 28.10
Hearing officer appointment, 28.8
Request for, 28.6
Pre-hearing procedure, 28.9
Proceedings; counts, and allegations
Failure to respond, 28.7
Initiating, 28.4
Service, 28.5
Publication and reports of debarment, 28.13
Term and effect, 28.12
Violation of order, 28.12

ADMINISTRATIVE LAW JUDGES
Use of in labor relations, 16.205

ADMINISTRATIVE SERVICES
Cash revolving funds
Animal Care and Control, 10.169-7
Convention Facilities, 10.137
Farmers' Market, 10.144
Medical Examiner Coroner, 10.169-21
Public Administrator, 10.152
Purchasing, 10.169-19
Real Estate, 10.169-13
City-owned and leased vehicles; fleet management program, 4.10-1
Mayor's Office on Disability
Establishment, 2A.22
Plan review and site inspection fees, 2A.22.1
Vehicle Leasing Program Fund, 10.100-9

ADMINISTRATOR
City Administrator, 2A.25
Public Administrator/Public Guardian
Cash revolving fund, 10.152
Fees, payment to County Clerk, 1.22
Public Guardian
Attorney for, 2A.211
Designated, 2A.210
Qualification for services, 2A.210
Representative Payee Program, 2A.211-A
Work Furlough Administrator
Agreements, 13.62
Generally, 13.61
Zoning Administrator
Variance granted, notice to Assessor, 34.4

ADOPT-A-TREE FUND, 10.100-227

[The next page is number 5.]

ADULT DAY HEALTH CARE PLANNING COUNCIL
Appointment, 44.1
Assistance in development of county plan, 44.8
Compensation, 44.6
Composition, 44.3
Establishment, 44.1
Power and duties, 44.7
President, 44.5
Public hearing, 44.2
Terms of members, 44.4
Vice President, 44.5
Adult probation officer, service charge, 10.180

ADULT PROBATION DEPARTMENT
Booking fee, 8.38
Cash revolving funds, 10.168
Incarceration, Director to recover costs, 10.39-2
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Project 20 Administrative fee, 8.30
Restitution collection fee, 8.31
Restitution fine administrative fee, 8.31-1

ADVERTISING
Outreach Advertising Revenue Fund, 10.100-40
Tobacco advertising prohibited, 4.20

ADVISORY BOARDS (See COMMITTEES, COMMISSIONS AND ADVISORY BOARDS)

AFFIRMATIVE ACTION (See EQUAL OPPORTUNITY

AGGRESSIVE SOLICITATION BAN, App. 69

AGING, COMMISSION ON
Advisory Council, 5.54
Cash revolving funds, 10.169-15
Definitions, 5.50
Designated area agency on aging, 5.52
Powers and duties, 5.53

AGRICULTURE
Agricultural and/or pesticide-related contracts, 1.13-3

AGRICULTURE (Con't)
Agricultural Commissioner and Sealer of Weights and Measures, duties consolidated, 2A.221
Department of Consumer Assurance, Regulatory Compliance and Agricultural Standards, 2A.220
Farmer's Market, see FARMERS' MARKET
Food products, see FOOD PRODUCTS
Inspection of products prior to shipment
Certificate of inspection, 1.13
Destruction of unfit vegetables, 1.13
Duty of County Agricultural Commissioner, 1.9
Imported vegetables, fees, 1.11, 1.12
Inspection fees, 1.10, 1.12
Nursery stock, inspection of, 1.13-4
Pesticides and Pest Management Program, see PEST CONTROL
Weights and measures, see WEIGHTS AND MEASURES

AIDS
Information and education
Generally, 15.21
Policy, 15.20
Responsibility of Director of Health, 15.22

AIRPORT
Airport Director, 2A.171
Airport Promotion and Event Account, 10.100-18
Airports Commission
Art sale, exchange or transfer, 2A.155.12
Powers and duties, 2A.170
Settlement of claims
Legal proceedings, 10.25-10
Unlitigated claims, 10.25-11
Cash revolving funds, 10.132
Compensation minimum; contractors, 12P.4
Leases and Concessions on Airport Property, 2A.173
Public off-street parking facilities, inapplicability of regulations to, 17.17
Revenue bonds, 2.62

AIRPORT PROMOTION AND EVENT ACCOUNT, 10.100-18

ALAMEDA COUNTY
Police Information Network System, 1.36

ALCOHOL
Alcoholism programs
Public health contract, 15.18
State aid, cash revolving funds, 10.172
Cost recovery of emergency response
Appropriate emergency response defined, 10H.2
Collection of costs, 10H.3
Liability for costs of emergency response, 10H.1
Severability, 10H.4

ALTERNATIVE DISPUTE RESOLUTION
Community court Program administrative fee, 10.183

AMBULANCE DRIVERS
Disability benefits, 16.171

ANIMALS
Administrative Services animal care and control cash revolving fund, 10.169-7
Animal Control and Welfare Fund, 10.100-23

ANNUAL REPORTS, 1.56

APARTMENTS
Apartment unit conversion and demolition
Administrative penalties, procedures for determining and appealing, 41A.8
Construction, 41A.7
Definitions, 41A.4
Findings, 41A.3
Purpose, 41A.2
Report on apartment conversion, 41A.6
Title, 41A.1
Unlawful conversion; remedies, 41A.5

APARTMENTS (Con't)
Emergency shelter for the homeless, see HOUSING
Housing generally, see HOUSING
Leasing regulations, see REAL PROPERTY
Rent regulations, see RENT REGULATIONS

APPROPRIATIONS (See FINANCE AND TAXATION)

ARSENIC (See PRESERVATIVE-TREATED WOOD CONTAINING ARSENIC)

ARTS AND CULTURE (See also MUSEUMS)
Academy of Sciences
Memorial buildings, 2A.160.1
Relationship with City and County, 2A.160
Artists, App. 5
Arts Commission
Cash revolving funds, 10.132-5
Civic design review fees, 3.19A
Functions, powers and duties, 2A.150
Funds
Market Street Art Maintenance Account, 10.100-28
Public Arts Fund, 10.100-30
Street Artist Fund, 10.100-32
Youth Arts Account, 10.100-34
Responsibilities generally, 2A.150.1
Arts enrichment appropriations, 3.19
Asian Art and Culture, Committee on
Asian Art Commission
Sale, exchange or transfer of works of art, 2A.155.11
Cultural Equity Endowment Fund
Commissions to individual artists, 68.5
Cultural Equity Initiatives Program, 68.4

[The entry for arts and culture *continues on page 7.]*

ARTS AND CULTURE (Cont'd)
Cultural Equity Endowment Fund (Cont'd)
Establishment of, 68.3
Facilities Fund
Administration of, 68.8
Generally, 68.7
Principles for, 68.2
Project grants to small and mid-size organizations, 68.6
Purposes, 68.1
Film Commission
Appointment, 57.2
Compensation, 57.2
Consent of relevant departments, 57.5
Coordinate city departments regarding film companies, 57.5
Cost recovery, 57.5
Definitions, 57.1
Establishment, 57.2
Exceptions, 57.7
Executive Director, 57.4
Powers and duties, 57.3
Qualifications, 57.2
Requirements for film companies, 57.6
Sidewalk closures, 57.5
Terms of office, 57.2
Use contracts authorized, 57.5
Fine Arts Museums
Acceptance of gifts by, 2A.155.3
Accounts and reports, 2A.155.1
Grounds, 2A.155
Nonprofit Performing Arts Loan Program
Purpose, 50.1
Findings, 50.1
Definitions, 50.2
Loan administration
Duties of city and county agencies, 50.10
Reports to the Board of Supervisors, 50.12
Rules and regulations, 50.11
Loan requirements
Applicant's plan for facilities maintenance and capital improvements, 50.20
Deferrals, 50.23
Eligibility for loans, 50.21

ARTS AND CULTURE (Cont'd)
Nonprofit Performing Arts Loan Program (Cont'd)
Loan requirements (Cont'd)
Factors in determining terms and conditions, 50.22
Insurance, 50.25
Loan fees and interest rates, 50.23
Maximum loan amount, 50.22
Security for loans, 50.24
Transfer and assignment of loans, 50.26
Waivers, 50.23
Severability, 50.30
Sale, exchange or transfer of works of art
Application to
Asian Art Commission, 2A.155.11
San Francisco Airport Commission, 2A.155.12
Authorization for sale, exchange or transfer of works of art, 2A.155.4
Disposition of moneys received for sale of works of art, 2A.155.9
Exchange of works of art, 2A.155.5
Private sale in lieu of auction, 2A.155.7
Public auction, 2A.155.6
Sale in general, 2A.155.8
Transfer of works of art, 2A.155.10
Voluntary Arts Contributions Program
Duties of
Mayor, 51.03
Tax Collector, 51.02
Expenditures from fund, 51.04
Findings, 51.01
Purpose, 51.01
Severability, 51.05
Voluntary Arts Contributions Fund, 10.100-138

ASIAN ART AND CULTURE (See ARTS AND CULTURE)

ASSESSMENTS (See also LIENS)
Annual assessment roll to be open to inspection, 10.2-6
Appeals Boards
Clerk of the Board, 2B.7
Compensation of members, 2B.5

ASSESSMENTS (Cont'd)
Appeals Boards (Cont'd)
Composition, 2B.6
Created, 2B.1
Designation, 2B.2
Duties, 2B.13
Duty of, 2B.4
Fees
Filing, 2B.9
Findings of fact, 2B.11
Hearings, 2B.10
Filing fee, 2B.9
Findings of fact fee, 2B.11
Hearings
Conduct of, 2B.15
Fee, 2B.10
Hearing Officer
Generally, 2B.14
Report, 2B.16
Procedures, 2B.20
Inspection demand procedures, 2B.21
Membership and selection, 2B.3
Operations, 2B.13
Pre-hearing conference, 2B.22
Production demand procedures, 2B.21
Quorum, 2B.6
Recommendations
Acceptance or rejection of, 2B.18
Transmittal of report, 2B.17
Reference to other statutes, 2B.12
Tax Appeals Board, 2B.8
Assessor, see ASSESSOR-RECORDER
Conditional use permits, variances, zoning reclassifications
Notification to Assessor
Conditional use
Appeal to Board of Supervisors, 34.3
Authorized by City Planning Commission, 34.2
Variance
Appeal to Board of Appeals, 34.5
Granted by Zoning Administrator, 34.4
Zoning reclassification enacted by Board of Supervisors, 34.1

ASSESSMENTS (Cont'd)
Impact development fees, transit, see TRANSPORTATION
Numbering of lots and blocks for assessments
Changes in map and block books, 10.72
Filing of copies of block books, 10.73
Formulation of system, 10.70
Numbers written on assessment rolls, 10.71
Preparation of maps, 10.70
Reassessment of property due to misfortune or calamity, 10.2-5
Special assessments, limitations on, 1.20
Tax assessment payments in even cents only, 10.2-2
Transit impact development fees, see TRANSPORTATION
Variances, conditional use permits, zoning reclassifications
Notification to Assessor
Conditional use
Appeal to Board of Supervisors, 34.3
Authorized by City Planning Commission, 34.2
Variance
Appeal to Board of Appeals, 34.5
Granted by Zoning Administrator, 34.4
Zoning reclassification enacted by Board of Supervisors, 34.1

ASSESSOR-RECORDER
Access and indexing fees, 8.24-4
Authorized acts, 10.2
Cash revolving funds, 10.133
Fees
Access and indexing fees, 8.24-4
Assessor-Recorder fees, 8.33.2
Generally, 8.24
Survey monument preservation fee, 8.24-6
Funds
Access and Indexing Fund, 8.24-4
Fund, 8.24-1
Modernization Fund, 8.24-2
To accept applications for assessments reductions, 10.2-3

ASSESSOR-RECORDER
Zoning classifications, variances, conditional use permits
Notification to Assessor
Conditional use
Appeal to Board of Supervisors, 34.3
Authorized by City Planning Commission, 34.2
Variance
Appeal to Board of Appeals, 34.5
Granted by Zoning Administrator, 34.4
Zoning reclassification enacted by Board of Supervisors, 34.1

ASSIGNMENT OF CONTRACTS (See CONTRACT PROCEDURES)

ASSISTANCE PROGRAMS (See also SOCIAL SERVICES)
Assisted housing preservation, see HOUSING
Cash Assistance Linked to Medi-Cal (CALM)
Administration, 20.104
Allowable
Personal property, 20.105.5
Real property, 20.105.4
Compliance with Medi-Cal regulations, 20.107.1
Continuing eligibility, 20.107
Definitions, 20.102
Disclosures, 20.117
Discontinuance from the Medi-Cal Program, 20.114
Earned income disregard, 20.106.1
Eligibility
Continuing eligibility, 20.107
Generally, 20.105
Immediate termination of, 20.110
Exempt income or resources, 20.105.6
Exemption for terminal illness, 20.105.7
Fair administration, 20.117
Fingerprint information, 20.105.11
Fraud in obtaining payments, 20.118
Hearings
Appearance, 20.116.5
Counsel, 20.116.5
Decision, 20.116.6

ASSISTANCE PROGRAMS (Cont'd)
Cash Assistance Linked to Medi-Cal (Cont'd)
Hearings (Cont'd)
Effect of nonappearance, 20.116.7
Evidence, 20.116.5
Finality, 20.116.7
Generally, 20.116
Hearing rights, 20.116.4
Impartial hearing officer, 20.116.3
Informality, 20.116.5
Notice of hearing, 20.116.1
Payments pending, 20.116.2
When held, 20.116.1
Housing, 20.106.2
In-kind aid
Evaluation, 20.126
Funding, 20.125
Operative date of amendments, 20.127
Ineligibility
Fleeing Felons, 20.105.9
For General Assistance, PAES, SSIP or other county-funded assistance, 20.113
Members of a CalWORKs Assistance Unit, 20.105.8
Rebuttable presumption of, current income or expenses, 20.105.3
Intent, 20.101
Labor dispute, 20.105.2
Limited to promotion of general welfare, 20.123
Notice of proposed action, 20.115
Operative date, 20.124
Overpayments, 20.117
Payments
Alternative payments methods, 20.106.3
Changes in, 20.111
Direct payments to room and board facilities permitted, 20.106.3
Fraud in obtaining, 20.118
Generally, 20.106
Lost, forged or stolen warrants and lost or stolen warrant proceeds, 20.112
Pending hearing, 20.116.2
Timing of, 20.108
Photo identification, 20.105.10

ASSISTANCE PROGRAMS (Cont'd)
Cash Assistance Linked to Medi-Cal (Cont'd)
Principles, 20.103
Purpose, 20.101
Records
Confidentiality, 20.119
Destruction of, 20.120
Reimbursement agreement, 20.105.12
Residency, 20.105.1
Severability, 20.122
Special allowances, transportation out of the city, 20.106.4
Terminal illness, exemption for, 20.105.7
Termination
Authority, 20.121
Eligibility, immediate, 20.110
Time limits , 20.109
Title, 20.100
Child care for low income families, App. 66
Definitions, 20.53-101
Evaluation, 20.53-105
Findings, 20.53-100
General welfare, 20.53-106
Regulations, 20.53-104
Severability, 20.53-107
Smart Start for San Francisco Kids, 20.53-102
Smart Start for San Francisco Kids Fund, 20.53-103
Emergency shelter for the homeless, see HOUSING
General Assistance Program
Administration, 20.55.5
Allowable
Personal property, 20.56.10
Real property, 20.56.9
Alternative payment methods, 20.57.2
Authority and mandate, 20.55.1
Basic needs, 20.57.3
Classification as employable or unemployable, 20.58.2
Computation and payment of aid grants, amounts payable, 20.57
Definitions, 20.55.2
Direct payments to room and board facilities permitted, 20.57.2
Disclosures, 20.59.10

ASSISTANCE PROGRAMS (Cont'd)
General Assistance Program (Cont'd)
Eligibility
Failure to satisfy requirements, 20.58.1
Generally, 20.56 and 20.58
Employable, classification as, 20.58.2
Employer wage subsidy, 20.57.7
Exempt income or resources, 20.56.11
Exemption for terminal illness, 20.56.15
Fair administration, 20.59.10
Fingerprint information, 20.56.14
Fraud in obtaining aid, 20.59.16
Good cause, 20.58.5
Hearing
Aid paid pending, 20.60.3
Appearance and counsel, 20.60.7
Decision, 20.60.8
Effect of nonappearance, 20.60.9
Evidence, 20.60.7
Finality, 20.60.9
Hearing rights, 20.60.6
Impartial hearing officer, 20.60.5
Informality, 20.60.7
Notice of, 20.60.4
Opportunity, 20.60
Request for, 20.60.2
When held, 20.60.4
Housing, 20.57.1
In-kind aid
Amendments, operative date, 20.60.14
Evaluation, 20.60.13
Funding, 20.60.12
Income-in-kind value exceeds maximum grant, 20.57.6A
Special allowance, 20.57.6A
Indigent adult defined, 20.56
Ineligibility
Business proprietor, 20.56.3
Felony involving controlled substance, 20.56.16
Fleeing felons, 20.56.17
Reaching 60 month time limit for receipt of TANF/CalWORKs aid, 20.56.18
Rebuttable presumption of ineligibility
Current income or expenses, 20.56.6
Students, 20.56.5

ASSISTANCE PROGRAMS (Cont'd)
General Assistance Program (Cont'd)
Labor dispute, effect of, 20.56.7
Notice of proposed action, 20.60.1
Operative date, 20.60.10
Overpayment, 20.59.10
Payments
Administrative discontinuance , 20.59.6
Aid payments, 20.59
Changes in general assistance grants, 20.59.7
In general, 20.59.1
In-kind aid, 20.59.3
Initial payment, 20.59.5
Loss or theft of warrant proceeds, 20.59.9
Lost, forged or stolen warrants, 20.59.8
Mandatory direct rent payment program, 20.59.2
To whom paid and delivered, 20.59.4
Personal needs, 20.57.3
Photo identification, 20.56.13
Policy, 20.55.5
Purposes and principles, 20.55.4
Quality control program
Reports, 20.59.12
Requirements, 20.59.11
Rebuttable presumption of ineligibility
Current income or expenses, 20.56.6
Students, 20.56.5
Records
Confidentiality, 20.59.14
Destruction of, 20.59.15
Maintenance of, 20.59.13
Reimbursement agreement, 20.56.12
Residency requirement, 20.56.8
Salary proration
Over contract period, 20.56.2
School district, university, community colleges employees, 12-month period, 20.56.1
Self-employed and freelance worker over a 12-month period, 20.56.4
Severability, 20.55.6
Special allowances
Bequest funds, 20.57.6
Medical care, 20.57.5

ASSISTANCE PROGRAMS (Cont'd)
General Assistance Program (Cont'd)
Special allowances (Cont'd)
Transportation out of the city, 20.57.4
Terminal illness, exemption for, 20.56.15
Termination of
Discretionary county-funded programs, 20.60.11
Employment, 20.58.4
Title, 20.55
Unemployable, classification as, 20.58.2
Usage of pronoun, 20.55.3
Homelessness; emergency shelter, see HOUSING
Home-ownership Assistance Program, see HOUSING
Housing Code Enforcement Loan Program, see HOUSING
In-Home Supportive Services Public Authority, see HEALTH
Local Rent Supplement Program in the Office of Mayor, see RENT REGULATIONS
Minimum wage, see MINIMUM WAGE
Nonprofit Performing Arts Loan Program, see ARTS AND CULTURE
Personal Assisted Employment Services (PAES) Program
Administration, 20.74
Allowable
Personal property, 20.75.9
Real property, 20.75.8
Alternative payment methods, 20.76.4
Conciliation for plan noncompliance, 20.77.4
Definitions, 20.72
Direct payments to room and board facilities permitted, 20.76.4
Disclosures, 20.84
Earned income disregard, 20.76.2
Eligibility
Continuing eligibility, 20.77
Generally, 20.75
Immediate termination of, 20.80
Employer wage subsidy, 20.76.6
Exempt income or resources, 20.75.10
Exemption for terminal illness, 20.75.11
Fair administration, 20.84

ASSISTANCE PROGRAMS (Cont'd)
Supplemental Security Income Pending (Cont'd)
Time limits, 20.210
Title, 20.200
Victim/Witness Program, see VICTIMS

ASSISTED HOUSING PRESERVATION
Administrative relief, 60.10
Civil
Actions, 60.11
Penalties, 60.12
Conversion, relocation benefits due to, 60.7
Definitions, 60.4
Findings, 60.3
Prepayment and/or termination
Notice of intent, 60.5
Public hearing on proposed, 60.6
Purposes, 60.2
Rent subsidy contracts, 60.9
Right to receive offer for purchase, 60.8
Rules and regulations, 60.13
Severability, 60.14
Title, 60.1

ASTHMA TASK FORCE
Conduct of business, 19A.22
Establishment and membership, 19A.20
Purpose, 19A.21
Sunset provision, 19A.23

ATTORNEYS
City Attorney
Board of Supervisor representation, potential conflict, 2.95
Cash revolving fund; City Attorney, 10.136
Subpoena power
Local law enforcement, 2A.230
State law enforcement, 2A.231
Controller, special counsel for actions against, by city and county, 10.28
District Attorney
Cash revolving funds, 10.169-16
Disability benefits, investigators, 16.175
Funds
Environmental Prosecution, 10.100-55
Family Support Bureau's Tax Intercept Program Revolving Fund, 10.100-57

ATTORNEYS (Cont'd)
District Attorney (Cont'd)
Funds (Cont'd)
State Forfeiture Fund, 10.100-60
Generally, 2A.70
Justice Tracking System (JUSTIS) Committee Governance Council, 2A.85
Jury fees
Grand juror fees, 45.2
Title, 45.1
Trial juror fees, 45.3
Law books, disposal of obsolete law books, 8.8
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Public Defender cash revolving funds, 10.153
Public Guardian, attorney for, 2A.211
Special counsel for actions against Controller by city and county, 10.28
Victim/Witness Assistance Program, see VICTIMS

AUDITS (See FINANCE AND TAXATION)

AUTOMOBILES (See VEHICLES)
City vehicles, see CITY BUILDINGS, EQUIPMENT, AND VEHICLES
Travel expense reimbursement, see OFFICERS AND EMPLOYEES

AVIATION (See AIRPORTS)

— B —

BACK STREETS BUSINESS ADVISORY BOARD
Composition, 5.262
Definitions, 5.261
Duties, 5.264
Establishment, 5.262
Findings, 5.260
Operations, 5.263
Purpose, 5.260
Sunset provision, 5.265

BALLAD
Official ballad designated, 1.5-1

BEGGING
Aggressive solicitation ban, App. 69

BICYCLE ADVISORY COMMITTEE
Established, 5.130
Organization, 5.131
Terms of Office, 5.131
Powers and Duties, 5.132

BIDDING (See generally CONTRACT PROCEDURES)

BILL GRAHAM CIVIC AUDITORIUM (See CIVIC AUDITORIUM)

BISEXUALS
Domestic partnerships, see DOMESTIC PARTNERSHIPS
Youth services sensitivity training, see MINORS

BOARD OF APPEALS
Cash revolving funds, 10.169-20
Surcharge fees
Annual adjustment
Imposed, 10G.1
Variance, appeal to, 34.5

BOARD OF SUPERVISORS
Appointments; disclosure of felony convictions, 2.6-4
Bonded indebtedness for public improvements, procedure
Airport revenue bonds, 2.62
Election, time of passage of ordinance ordering, 2.34
Initiative petitions, inapplicability, 2.35
Limitations on bonded indebtedness, 2.60
Proposal
Capital Improvement Advisory Committee, submission to, 2.30-1
Form of resolution, 2.31
Introduction to Board and referral to Committee, 2.31
Voters, submission to, 2.30
Resolution
Referral to Controller, 2.33
Statement to voters, 2.33
Time of adoption before election, 2.34
Budget, see BUDGET PROCEDURES

BOARD OF SUPERVISORS (Cont'd)
Cable television systems, franchises, 11.45
Cash revolving funds, 10.169-3
City Attorney representation, potential conflict, 2.95
Clerk of the Board, fees, 8.37
Conditional uses, appeal to Board, 34.3
Contracting out personal services; approval
Controller's annual report on contracting out, 2.16
Deadline for departmental submission of requests for contracting out, 2.17
Supplemental reports required, 2.15
Defined, 2.1
Development agreements, Board decision, 56.14
Disaster preparedness, Board review of, 7.19
Efficiency evaluation plan, 2.92
Housing Authority, findings of the Board, 12.1
Housing Code Enforcement Loan Program, responsibilities
Approval of fees, charges and interest rates on financing, 40.5
Issuance of bonds, 40.4
Revision of loan charges, 40.6
Industrial Development Authority, quarterly reports to Board, 42.22
Interpreting services, 2.6-2
Legislation, fiscal impact, 2.6-3
Lien procedure, report to Board, 10.231
Meetings
Public hearings, civil grand jury reports, 2.10
Special meetings, 2.8
Nominations to Boards and Commissions, 2.7
Nonprofit Performing Arts Loan Program, reports to Board, 50.12
Official newspapers
Definitions, 2.80-1
Designation, 2.81
Findings, 2.80
Neighborhood outreach, 2.81-4
Outreach fund, 2.81-2
Outreach periodicals, designation, 2.81-3
Use of, 2.81-1
Parking Authority, annual reports to Board, 17.5
Performance and Efficiency Audit Office, efficiency evaluation plan, 2.92

BOARD OF SUPERVISORS (Cont'd)
Policy
Approval of Lease and Concession Agreements, 2.6-1
State Public Utilities Commission; rate expert to be informed, 2.5
Powers, 2.1-1
Public utility rates; procedure
Approval, 2.29
Board's finding prior to approval or rejection, 2.28
Fixing dates for consideration, 2.27
Information furnished by Public Utilities Commission
Generally, 2.25
Regular introduction of proposal, 2.26
Policy, State Public Utilities Commission; rate expert to be informed, 2.5
Rejection, 2.29
Residential Rehabilitation Loan Program, responsibilities
Approval of fees, charges and interest rates on financing, 32.13
Designation of residential rehabilitation areas, 32.12, 32.43
Enforce rehabilitation standards and implement plan for public improvements, 32.11
Issuance of bonds, 32.10
Revision of loan charges, 32.14
Revenue and taxation survey and report, Board's budget analyst to study and recommend, 10F.1
State Legislation Committee, action in absence of action by Board, 5.10
Supervisor's official badge, 2.2
Zoning reclassification enacted by notice to Assessor, 34.1

BONDS
Accountability reports, general obligation bonds
Conditions for submission, 2.71
Construction, 2.74
Contents, 2.72
Definitions, 2.70
Validity, 2.73

BONDS (Cont'd)
Acquisition of commodities and services
May be required, 21.10
Procedure upon failure to file, 21.13
Airport revenue bonds, 2.62
Bonded indebtedness for public improvements, see IMPROVEMENTS
Citizens' General Obligation Bond Oversight Committee
Application, 5.36
Enactment, App. 55
Establishment, 5.30
General obligation bond ordinances, 5.35
Membership, 5.33
Public meetings, 5.32
Purpose, 5.31
Waste, 5.34
Community College general obligation bonds, App. 53
Fiscal agent for bond payments
Agent's bond, 10.49
Appointment of, 10.47
Clearinghouse representative, 10.49-5
Indemnity agreement and account to be charged, 10.49-2
Payment of agent, 10.48
Payment of lost or destroyed bond coupons, 10.49-1
Procedure for payment, 10.49
Officers and employees, bonding of
Annual review, 16.127
Approvals, 16.124
Authorized sureties or insurers, 16.123
Availability of coverage, 16.126
Cancellation, 16.125
Custody, 16.124
Designated officers; all others, 16.122
Filing, 16.124
Health Service System: plan and contribution rates, 16.703
Public inspection, 16.124
Terms and conditions of the bond, 16.123
State law applicability, 16.126

BONDS (Cont'd)
Public Utilities Revenue Bond
Oversight Committee
Application, 5A.35
Establishment, 5A.31
Findings, 5A.30
Illegal expenditures, 5A.34
Membership, 5A.33
Public meetings, 5A.32
Purpose, 5A.31
Severability, 5A.36
Sunset, 5A.36
Refunding Bond Savings Test Act
Alternative savings test for refunding bonds, 43.8.4
Construction, 43.8.5
Definitions, 43.8.3
Name, 43.8.2
Policy declaration, 43.8.1
Residential Mortgage Revenue Bond Law
Appropriations; no limitation, 43.1.6
Authority
Additional, 43.1.4
Full, 43.1.3
Bonds
Capitalized bond interest, 43.1.20
Cost of issuance, 43.1.20
Debt of city, 43.1.19
Issuance of bonds, 43.1.18
Lien, 43.1.23
Money or assets, 43.1.23
Personal liability, 43.1.24
Pledge of revenues, 43.1.23
Provisions, 43.1.22
Purchase by city, 43.1.25
Refunding, 43.1.26
Reserve funds, 43.1.20
Terms, 43.1.21
Validity, 43.1.27
Definitions, 43.1.5
Financing residences
Acquisition of residences, 43.1.8
Additional powers, 43.1.17
Charges, 43.1.11
Construction of residences, 43.1.8
Equal opportunity, 43.1.14
Fees, 43.1.9

BONDS (Cont'd)
Residential Mortgage Revenue Bond Law (Cont'd)
Financing residences (Cont'd)
Insurance, 43.1.10
Leasing of residences, 43.1.8
Loan security, 43.1.12
Loans for residences, 43.1.7
Professional services, 43.1.13
Public works requirements inapplicable, 43.1.15
Regulations, 43.1.16
Rents, 43.1.11
Selling of residences, 43.1.8
Purpose, 43.1.2
Supplemental provisions
Article controlling, 43.1.30
Liberal construction, 43.1.28
Omissions not to affect validity of bonds, 43.1.29
Severability, 43.1.31.
Title, 43.1.1
Residential rehabilitation, see RESIDENTIAL REHABILITATION LOAN PROGRAM
Revenue Bond Oversight Committee, App. 64
San Francisco Bond Facilitation Act
Authority for actions in addition to special provisions, 43.7.6
Construction, 43.7.7
Definitions, 43.7.3
Interest payments, 43.7.4
Issuance by authority of governing bodies, 43.7.5
Name, 43.7.2
Policy declaration, 43.7.1
San Francisco Refunding Revenue Bond Act
Additional procedures, 43.6.5
Amendments, 43.6.4
Construction, 43.6.7
Name, 43.6.2
Net debt savings calculation, 43.6.6
Policy declaration, 43.6.1
Procedure, 43.6.3
Solar energy revenue bond, App. 54

BROWN ACT, 67.5

BUDGET PROCEDURES
Annual
Appropriation ordinance, 3.11
Salary ordinance, 3.10
Appropriations
Annual ordinance, 3.11
Art enrichment appropriations, 3.19
Supplemental ordinances, modifications, 3.15
Art enrichment appropriations, 3.19
Arts Commission civic design review fees, 3.19A
Capital improvements
Capital expenditure plan, 3.20
Capital Planning Committee, 3.21
Committee on Information Technology, 3.24
Committee
Return and report, 3.9
Transmission to, 3.9
Controller to assist Mayor and Board in preparation, 3.13
Definitions, 3.2
Departments to operate within amounts budgeted, 3.14
Fees
Fee and revenue increases, inclusion of, 3.7
Schedule of existing fees included, 3.7
Grant-funded positions, 3.7-1
Interim positions, salary adjustments, 3.16
Introduction of budget, 3.4
Long-term budget planning, 3.5
Public hearings, 3.8
Publication of budget, 3.4
Requirements and related matters, 3.12
Revenue increases, inclusion of, 3.7
Savings incentive account, 3.17
Strategic plans, 3.5
Supplemental appropriation ordinances budget, modifications, 3.15
Three-year budget projection, 3.6
Three-year plans, technical aspects, 3.25
Timetable, 3.3
Title, 3.1

BUDGET PROCEDURES (Cont'd)
Transfers, 3.18
Transmission to Committee, 3.9

BUILDINGS
Apartments, see APARTMENTS
Building Inspection Commission
Appeals
Appeals to the Commission, 77.3
Barred appeals, 77.6
Definitions, 77.2
Fees, 77.10
Hearing by technical boards and advisory committees, 77.4
Information required to be furnished by the department, 77.7
Procedures, 77.5
Purpose, 77.1
Required notices, 77.8
Rules and regulations, 77.9
Severability, 77.11
Building Inspection Fund, 10.100-45
Building inspection permit tracking system
Compliance, 78.4
Established, 78.2
Purpose, 78.1
Reporting requirements, 78.3
City buildings, see CITY BUILDINGS, EQUIPMENT, AND VEHICLES
Department of Building Inspection
Cash revolving funds, 10.135
Permit tracking system
Compliance, 78.4
Established, 78.2
Purpose, 78.1
Reporting requirements, 78.3
Earthquake safety and retrofit, see EARTHQUAKES
Environmental quality and environmental impact, see ENVIRONMENTAL REGULATIONS
Hotels, see HOTELS
Housing, see HOUSING
Leasing generally, see REAL PROPERTY

BUILDINGS (Cont'd)
Lot line window agreements
Authority of Director of Property, 23.45
Determination of value, 23.46
Fees and fee payments, 23.48
Requirements for, 23.47
Mayor's Office on Disability
Establishment, 2A.22
Plan review and site inspection fees, 2A.22.1
Permit tracking system
Compliance, 78.4
Established, 78.2
Purpose, 78.1
Reporting requirements, 78.3
Real property annual reporting and planning, 23.8
Rent regulations, see RENT REGULATIONS
Residential Mortgage Revenue Bond Law, see HOUSING
Sale, transfer, or other conveyance of city-owned property
Prior public notice required, 23.7
Sales, see generally REAL PROPERTY
Seismic safety and retrofit, see EARTHQUAKES
Time-share conversions, see HOUSING

BUREAU OF DELINQUENT REVENUE COLLECTION
Assignment of accounts for collection, 10.39-1
Collection cost recovery, 10.40-1
Collection of
Airports Commission accounts, 10.41-1
All claims, exception of assigned claims, 10.39
Delinquent municipally owned utility accounts, 10.41
Department accounts of $300 or less, 10.41-1
Port Commission accounts, 10.41-1
Social Services Commission accounts, 10.41-1
Compromise or abandonment of claims, 10.40
Contracts to recover city funds, 10.39-1.1
Director of Adult Probation Department to recover costs of incarceration, 10.39-2
Established, 10.37

BUREAU OF DELINQUENT REVENUE COLLECTION (Con't)
Incarceration
Annual determination of average per-day costs of, 10.39-3
Director of Adult Probation Department to recover costs, 10.39-2
Quarterly reports, 10.42
Reports of accounts receivable and delinquent taxes to Bureau, 10.38
Sheriff's work alternative program fees, 10.39-4
Tax Collector to direct, 10.37

BURMA, CITY BUSINESS WITH PROHIBITED
Contractual services, real and personal property agreements, 12J.3
Definitions, 12J.2
Findings, 12J.1
Implementation reports, 12J.8
Penalties, 12J.7
Public records, 12J.6
Purchase of commodities, 12J.4
Rules and regulations, 12J.5
Severability, 12J.9
Suspension, 12J.10

[The next page is number 19.]

BUSINESS PROPRIETORS
Assistance programs, ineligibility for
General Assistance Program, 20.56.3
Personal Assisted Employment Services (PAES) Program, 20.75.5
Supplemental Security Income Pending (SSIP), 20.205.6
Minimum wage, see MINIMUM WAGE

BUSINESS SET-ASIDES
Local manufacturers and industry, 6.4
Disadvantaged business enterprise program
Affirming city policy against discrimination in public contracting, 14A.01
Applicability, 14A.02
Bonding and financial assistance program, 14A.11
Compliance, 14A.13
Emergency ordinance; reenacting, 14A.03
Exceptions and waivers, 14A.12
Financial assistance program, 14A.11
Findings, 14A.2
General welfare clause, 14A.27
Definitions, 14A.4
Discount application, 14A.10
Monitoring, 14A.13
Operative date, 14A.02
Powers and duties
Of the Commission and the Director, 14A.5
Of contract awarding authorities, 14A.8
Of the Controller, 14A.6
Of the Mayor, 14A.7
Of the Office of Contract Administration, 14A.9
Reporting and review, 14A.15
Scope, 14A.3
Severability, 14A.16
Short title, 14A.1
Subcontracting program, 14A.14
Suspension of Chapter 12D.A, temporary, 14A.01
Waivers, 14A.12
Minority/women/local business utilization
Contracts solicited before November 1, 1998
Clerk of Board to transmit copies of chapters, 12D.16

BUSINESS SET-ASIDES (Cont'd)
Minority/women/local business utilization (Cont'd)
Contracts solicited before November 1, 1998 (Cont'd)
Compliance, 12D.14
Contract awarding authorities, powers and duties, 12D.8
Controller, powers and duties, 12D.7
Declaration of policy, 12D.3
Definitions, 12D.5
Departments, powers and duties, 12D.8
Director, powers and duties, 12D.6
Effective date, 12D.19
Exceptions, 12D.13
Extension, 12D.15
Findings
Additional findings, 12D.2-1
Extension of ordinance, 12D.2-2 to 12D.2-6
General, 12D.2
Race- and gender-conscious bid preferences
Consultants, 12D.11
Professional services, 12D.11
Public works/construction, 12D.9
Purchasing contracts, 12D.10
Subcontracting program, 12D.9
Good-faith efforts required for other contracts, 12D.12
Human Rights Commission, powers and duties, 12D.6
Implementing regulations, 12D.17
Informing city employees, 12D.16
Mayor, powers and duties, 12D.8
Monitoring, 12D.14
Policy, 12D.3
Reporting and review, 12D.15
Scope, 12D.4
Severability, 12D.18

BUSINESS SET-ASIDES (Cont'd)
Minority/women/local business utilization (Cont'd)
Contracts solicited before November 1, 1998 (Cont'd)
Short title, 12D.1
Waivers, 12D.13
Contracts solicited on or after November 1, 1998
Architect/engineering contracts, 12D.A.12
Best efforts required for other contracts, 12D.A.14
Compliance, 12D.A.16
Consultants contracts, 12D.A.13
BUSINESS SET-ASIDES (Cont'd)
Minority/women/local business utilization (Cont'd)
Contracts solicited on or after November 1, 1998 (Cont'd)
Contract awarding authorities, powers and duties, 12D.A.9
Controller, powers and duties, 12D.A.7
Declaration of policy, 12D.A.3
Definitions, 12D.A.5
Director, powers and duties, 12D.A.6
Engineering contracts, 12D.A.12
Exceptions, 12D.A.15
Expiration, 12D.A.22
Findings, General, 12D.A.2
General welfare clause, 12D.A.20
Human Rights Commission, powers and duties, 12D.A.6
Mayor, powers and duties, 12D.A.8
Monitoring, 12D.A.16
Operative date, 12D.A.21
Policy, 12D.A.3
Professional services contracts, 12D.A.13
Public works contracts, 12D.A.10
Purchasing contracts, 12D.A.11
Reporting and review, 12D.A.18
Scope, 12D.A.4
Severability, 12D.A.19
Short title, 12D.A.1
BUSINESS SET-ASIDES (Cont'd)
Minority/women/local business utilization (Cont'd)
Contracts solicited on or after November 1, 1998 (Cont'd)
Subcontractor participation goals, 12D.A.17
Waivers, 12D.A.15
Seismic Safety Loan Program , 66A.10

— C —

CABLE TELEVISION
Access Development and Programming Fund, 10.100-341
Cable system franchise requirements
Applicability, 11.45
Consumer protection laws, 11.51
Customer service
Compliance with standards, 11.51
Requirements, 11.46
Emergencies, 11.52
Interconnection, 11.53
Public service announcements in the event of an emergency, 11.52
Rate regulation, 11.48
Renewal proposals, 11.15
Subscriber privacy, 11.49
Technical requirements, 11.47
Type of franchise, 11.50

CAFETERIA PLAN
Administration by the Department of Human Resources, 16.902
Cafeteria Plan benefits, 16.905
Establishment of, 16.900
Health system membership of former supervisors, 16.906
No cost to city and county, 16.903
Purpose, 16.901
Voluntary employee benefits, 16.904

CALIFORNIA (See generally STATE)

CALM - CASH ASSISTANCE LINKED TO MEDICAL (See ASSISTANCE PROGRAMS)

CALTRAIN
Downtown station approved, App. 45

CALWORKS ASSISTANCE UNIT
Assistance programs, members ineligible for
Cash Assistance Linked to Medi-Cal (CALM), 20.105.8
General Assistance Program, 20.56.18
Personal Assisted Employment Services (PAES) Program, 20.75.12
Supplemental Security Income Pending (SSIP), 20.205.12

CAMP MATHER
Cash revolving fund, 10.161

CAMPAIGNS (See SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE and ELECTIONS of this index)
Campaign consultants, App. 37
Campaign finance reform, Apps. 33, 49, 51, and 52

CANDLESTICK POINT
Naming city-owned stadium "Candlestick Park," 4.25
Special Use District, App. 35

CAPITAL IMPROVEMENTS
Advisory Committee
General plan referrals, 2A.52
Capital expenditure plan, 3.20
Capital Planning Committee, 3.21
Generally, see IMPROVEMENTS

CASH ASSISTANCE LINKED TO MEDI-CAL - CALM (See ASSISTANCE PROGRAMS)

CASH DISPENSING MACHINES, App. 25

CASH REVOLVING FUNDS
Accounts; warrants to cover approved disbursements from fund, 10.130
Administrative Services
Animal Care and Control, 10.169-7
Convention Facilities, 10.137
Farmers' Market, 10.144
Medical Examiner Coroner, 10.169-21
Public Administrator, 10.152

CASH REVOLVING FUNDS (Cont'd)
Administrative Services (Cont'd)
Purchasing, 10.169-19
Real Estate, 10.169-13
Adult Probation Department, 10.168
Aging, Commission on, 10.169-15
Airport, 10.132
Art Commission, 10.132-5
Assessor, 10.133
Authorized, purposes generally, 10.125
Board of Appeals, 10.169-20
Board of Supervisors, 10.169-3
Cash revolving fund construed, 10.127
Checks, withdrawals by, 10.128
City and County Employees' Retirement System, 10.169-1
City Attorney, 10.136
City Planning Department, 10.169-14
Civil Service Commission , 10.138
Code Enforcement, 10.171
Commission on Aging, 10.169-15
Commission on the Environment, 10.169-12
Commission on the Status of Women, 10.169-11
Controller, 10.139
County Clerk, 10.159
Department of Building Inspection, 10.135
Department of Elections, 10.162
Department of Human Services, 10.157
Department of Parking and Traffic, 10.151
Disbursements
Repayment of disapproved disbursements, 10.131
Warrants to cover approved disbursements from fund, 10.130
District Attorney, 10.169-16
Employees' Retirement System, 10.169-1
Environment, Commission on, 10.169-12
Ethics Commission, 10.169-18
Fire Department, 10.144-5
Firearms, reward program
Discharging firearm at peace officers or firemen, 10.174
Findings, 10.173
Ineligible Persons, 10.176
Payment, 10.177
General Hospital, 10.163
Grants
Accounting, 10.170-2

CASH REVOLVING FUNDS (Cont'd)
Grants (Cont'd)
Application procedure, 10.170
Duties of Controller, officers, boards or commissions, 10.170-2
Fund acceptance and expenditure, 10.170-1
Limitations upon expenditure, 10.170-2.5
Hetch Hetchy project, 10.145
Human Resources
Generally, 10.145-2
Workers compensation program, 10.145-1
Human Rights Commission, 10.169-17
Juvenile Probation, 10.146
Laguna Honda Hospital, 10.147
Municipal Railway, 10.150
Office of Citizen Complaints, 10.169-10
Peace officer training, acceptance of state law, 10.170-3
Planning Department, 10.169-14
Port Commission, 10.169
Probation and Corrections Officers Training Funds, 10.170-4
Public Administrator, 10.152
Public Defender, 10.153
Public Health
Community Mental Health Services Vocational Rehabilitation Revolving Fund, 10.154-1
Generally, 10.154
Public Library, 10.155
Public Utilities Commission, 10.156
Public Works, 10.158
Purchasing Department, 10.158-1
Purposes, 10.126
Recreation and Park Department
Generally, 10.160
Recreation Camp Mather, 10.161
San Francisco County Fair, 10.160-1
Repayment of disapproved disbursements, 10.131
Residential Rent Stabilization and Arbitration Board, 10.169-8
Responsibility for amount of funds, 10.129
Retirement System, 10.169-1
Damage, destruction, or theft of property, 10.177-1

CASH REVOLVING FUNDS (Cont'd)
Reward
Firearms
Discharging firearm at peace officers or firemen, 10.174
Findings, 10.173
Ineligible Persons, 10.176
Payment, 10.177
Willful misconduct resulting in injury or death, 10.177-1
San Francisco General Hospital, 10.163
Sheriff
Generally, 10.164
Inmate Welfare Fund, 10.164-1
State Aid for Alcoholism Programs, 10.172
Subdivisions of funds, 10.128
Telecommunications and Information Processing Department, 10.143
Treasurer-Tax Collector, 10.165
Trial Courts, 10.140
War Memorial, 10.169-5
Warrants to cover approved disbursements from fund, 10.130
Water Department, 10.166
Withdrawals by check, 10.128
Women, Commission on the Status of, 10.169-11

CATASTROPHIC SICK LEAVE POLICY
Ill employees, 16.9-29A
Ill family members, 16.9-29B

CATCH LINES OF SECTIONS, 1.2

CELLULAR TELEPHONES (See WIRELESS COMMUNICATIONS)

CENTRAL FREEWAY REPLACEMENT PROJECT ACT OF 1988, App. 42

CESAR CHAVEZ DAY, 16.5

CHARTER
Applicability to contracts, § 6.3, 7.204
Audits and investigations pursuant to, 10.6
Contracts; charter definitions, 16.29-22

CHAVEZ (See CESAR CHAVEZ DAY)

CHECKS (See FINANCE AND TAXATION)

CHIEF MEDICAL EXAMINER
Office of, 2A.250

CHILD CARE
Child Care Planning and Advisory Council, 5.200
For low income families, App. 66
Definitions, 20.53-101
Evaluation, 20.53-105
Findings, 20.53-100
General welfare, 20.53-106
Regulations, 20.53-104
Severability, 20.53-107
Smart Start for San Francisco Kids
Fund, 20.53-103
Program established, 20.53-102

CHILDREN (See MINORS)

CHINATOWN OPEN SPACE FUND
General Fund cost recovery, 10.100-249

CHINA BASIN, App. 34

CIGARETTES
Advertising prohibition on city property, 4.20
Tobacco surtax, payment of medical claims from funds obtained through, 10.100-86
Tobacco Settlement Revenue Account, 10.100-218

CITIZENS
Advisory Committee for Street Utility Construction
Duties, 5.66
Generally, 5.64
Meetings, 5.65
Office of Citizen Complaints
Cash revolving funds, 10.169-10
Right-To-Know Act of 1988, App. 40

CITIZENS' GENERAL OBLIGATION BOND OVERSIGHT COMMITTEE
Application, 5.36
Enactment, App. 55

CITIZENS' GENERAL OBLIGATION BOND OVERSIGHT COMMITTEE (Cont'd)
Establishment, 5.30
General obligation bond ordinances, 5.35
Membership, 5.33
Public meetings, 5.32
Purpose, 5.31
Waste, 5.34

CITY ADMINISTRATOR
Established as department of the city, 2A.25

CITY ATTORNEY (See ATTORNEYS)

CITY BUILDINGS, EQUIPMENT, AND VEHICLES
Automobiles
Automobile pool, 4.12
Automobile self-insurance, 4.13
City Hall, App. 38
Preservation Advisory Commission
Duties, 5.242
Establishment, 5.240
Membership, 5.241
Organization, 5.241
Purpose, 5.240
Referral to the commission, 5.243
Standards for preservation and restoration, 5.244
Short term license, filming, and tour fees, 4.1-2
Vending machines in, 4.3
City property, use of, 4.19
City seal, use on city-owned passenger automobiles; color, 4.10
City store, merchandise, profits, 1.48
City-owned vehicles
Assignment, 4.10-1
Inspection, 4.10-1
Transfer 4.10-1
Use of, 4.11
Civic Auditorium named for Bill Graham, 4.21
Civic Center Plaza parking facility financing, see CIVIC CENTER PLAZA
Environmental quality and environmental impact, see ENVIRONMENTAL REGULATIONS
Hall of Justice named for Thomas J. Cahill, 4.22

CITY BUILDINGS, EQUIPMENT, AND VEHICLES (Con't)
Homeless, emergency shelter, see HOUSING
Hospitals
Authorizing store in Laguna Honda, 4.15-1
Vending machines in General Hospital, 4.9
Laguna Honda Hospital, store in, 4.15-1
Lenders of personal property for trial basis, indemnification and approval, 4.18
Lot line window agreements
Authority of Director of Property, 23.45
Determination of value, 23.46
Fees and fee payments, 23.48
Requirements for, 23.47
Naming landmarks
Civic Auditorium for Bill Graham, 4.21
Hall of Justice for Thomas J. Cahill, 4.22
Parking, see also PARKING AND TRAFFIC
Parking fee for city parking facilities, 4.24
Polluting equipment, restrictions on use of, 4.14
Preapproval notice for certain city projects
Alternative notice provisions, 79.6
Change in city project, 79.4
Definitions, 79.2
Exemptions, 79.3
Permission to enter property, 79.7
Rights affected, 79.8
Scope, 79.1
Signposting requirements, 79.5
Public buildings and grounds; administration and protection, 4.1
Public off-street parking facilities, see PARKING AND TRAFFIC
Real property annual reporting and planning, 23.8
Relocation Appeals Board, see RELOCATION
Sale, transfer, or other conveyance of
Prior public notice required, 23.7
Sales, see generally REAL PROPERTY
Tobacco product advertising prohibition, 4.20
Application of federal and state laws, 4.6
City Hall, 4.3
Deposit of funds, 4.5
Exceptions, 4.4
Generally, 4.2
Installation agreement, duration, revocation, 4.8

CITY BUILDINGS, EQUIPMENT, AND VEHICLES (Cont'd)
Tobacco product advertising prohibition (Con't)
Insurance against claims for damages, 4.7
Maintenance in sanitary condition, 4.6
Permits for installation at San Francisco General Hospital, 4.9
War Memorial, see WAR MEMORIAL

CITY HALL PRESERVATION ADVISORY COMMISSION
Duties, 5.242
Establishment, 5.240
Membership, 5.241
Organization, 5.241
Purpose, 5.240
Referral to the commission, 5.243
Standards for preservation and restoration, 5.244

CITY OFFICERS AND EMPLOYEES
Generally, see OFFICERS AND EMPLOYEES
Specific officers and employees, see specific headings

CITY PROPERTY (See CITY BUILDINGS, EQUIPMENT, AND VEHICLES)

CITY SERVICES PRESERVATION FUND, 10.100-290

CIVIC AUDITORIUM
Rental deposit refund, 4.23
Naming for Bill Graham, 4.21

CIVIC CENTER PLAZA
Parking facility financing
Approval of agreement for, 10.121
Authority for enactment, 10.119
Call for bids, 10.122
City acting as parking authority of, 10.124
Construction and financing pursuant to article, 10.120
Document execution and attestation, 10.123
Findings, 10.118
Incorporation of agreement, 10.118
Land lease and operating agreement, 10.122
Purpose, 10.119

CIVIL GRAND JURY (See JURIES)

CIVIL SERVICE COMMISSION
Cash revolving funds, 10.138
Equal Employment Opportunity plans, implementation with, 16.9-24
Inspection and fingerprint fees, 8.26
Labor relations, powers and duties, 16.204

CLAIMS (See ACTIONS AND PROCEEDINGS)

CLEARINGHOUSE REPRESENTATIVE
Fiscal agent for bond payments, 10.49-5
Generally, 10.19-1

CLERK OF THE BOARD OF SUPERVISORS
Fees, 8.37

CODE
Citation, 1.1
Designation, 1.1
Enforcement, 10.171

COLLEGES
General Assistance Program, salary proration, 20.56.1
Internships, see INTERNSHIPS
Personal Assisted Employment Services (PAES) Program, salary proration, 20.75.2
Supplemental Security Income Pending (SSIP), salary proration, 20.205.3

COLLUSION IN CONTRACTING
Acquisition of commodities and services, 21.39

COLORS
Official colors designated, 1.5-2

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS
Adult Day Health Care Planning Council
Appointment, 44.1

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS (Con't)
Adult Day Health Care Planning Council (Con't)
Assistance in the development of the county plan, 44.8
Compensation, 44.6
Composition, 44.3
Establishment, 44.1
Power and duties, 44.7
President, 44.5
Public hearing, 44.2
Terms of members, 44.4
Vice President, 44.5
Aging, Commission on
Advisory Council, 5.54
Cash revolving funds, 10.169-15
Definitions, 5.50
Designated area agency on aging, 5.52
Powers and duties, 5.53
Airports Commission
Art sale, exchange or transfer, 2A.155.12
Collection of accounts, 10.41-1
Powers and duties, 2A.170
Settlement of claims
Legal proceedings, 10.25-10
Unlitigated claims, 10.25-11
Arts Commission
Cash revolving funds, 10.132-5
Functions, powers and duties, 2A.150
Funds
Market Street Art Maintenance Account, 10.100-28
Public Arts Fund, 10.100-30
Street Artist Fund, 10.100-32
Wall of Fame Fund, 10.100-125
Youth Arts Account, 10.100-34
Wall of Fame Fund, 10.100-125
Responsibilities generally, 2A.150.1
Asian Art and Culture, Committee on
Asian Art Commission
Sale, exchange or transfer of works of art, 2A.155.11

[The entry for committees, commissions, and advisory boards *continues on page 25.]*

[The entry for committees, commissions, and advisory boards *continues on page 25.]*

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS (Cont'd)
Back Streets Business Advisory Board
Composition, 5.262
Definitions, 5.261
Duties, 5.264
Establishment, 5.262
Findings, 5.260
Operations, 5.263
Purpose, 5.260
Sunset provision, 5.265
Bicycle Advisory Committee
Established, 5.130
Organization, 5.131
Terms of Office, 5.131
Powers and Duties, 5.132
Board of Appeals
Cash revolving funds, 10.169-20
Variance, appeal to, 34.5
Board of Supervisors, see BOARD OF SUPERVISORS
Budget procedures
Committee on Information Technology, 3.24
Return and report, 3.9
Transmission to Committee, 3.9
Building Inspection Commission
Appeals
Appeals to the Commission, 77.3
Barred appeals, 77.6
Definitions, 77.2
Fees, 77.10
Hearing by technical boards and advisory committees, 77.4
Information required to be furnished by the department, 77.7
Procedures, 77.5
Purpose, 77.1
Required notices, 77.8
Rules and regulations, 77.9
Severability, 77.11
Capital Planning
Established, 3.21
Expenditure plan, 3.20
General plan referrals, 2A.52

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS (Cont'd)
Child Care
Child Care Planning and Advisory Council, 5.200
Children and Families First Commission
Establishment, 86.1
Membership, 86.3
Organization, 86.3
Powers and duties, 86.2
San Francisco County Strategic Plan, 86.4
Severability, 86.5
Trust Fund, 10.100-288

[The entry for committees, commissions, and advisory boards *continues on page 25.]*

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS (Cont'd)
Citizens
Advisory Committee for Residential Rehabilitation Loan Program
Functions, 32.31
Membership, 32.30, 32.30-1
Advisory Committee for Street Utility Construction
Duties, 5.66
Generally, 5.64
Meetings, 5.65
Library Advisory Committee, 5.250
Citizens' General Obligation Bond Oversight Committee
Application, 5.36
Enactment, App. 55
Establishment, 5.30
General obligation bond ordinances, 5.35
Membership, 5.33
Public meetings, 5.32
Purpose, 5.31
Waste, 5.34
Office of Citizen Complaints
Cash revolving funds, 10.169-10
Civil Service Commission
Cash revolving funds, 10.138
Equal Employment Opportunity plans, 16.9-24
Inspection and fingerprint fees, 8.26
Labor relations, powers and duties, 16.204
Claims against, disposition of claims by commissions, 10.20-6
Delinquency Prevention Commission
Appointment; terms; expenses; vacancies, 20.51
Establishment; composition; purpose, 20.50
Funding, 20.52
Department of Child Support Services
Appointment of Director, 89.1
Duties of the Department, 89.2
Establishment, 89.1
Staff, 89.1
Transfer of functions, 89.3
Department of Human Resources
Cafeteria plan administration, 16.902

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS (Cont'd)
Department of Public Works
Geographic information system data license agreements; ratification of prior fees, 8.40
Disaster Council
Appointment of members, 7.3
Composition, 7.3
Created, 7.3
Powers and duties, 7.4
Reports to, 7.4-1
Drug Abuse Advisory Board, 15.17
Emergency Services of San Francisco
Composition, 7.5
Director, 7.7
Mayor, 7.6
Organizational provisions, 7.9
Employees and officers roster, 2A.240
Environment, Commission on
Cash revolving funds, 10.169-12
Ethics Commission
Cash revolving funds, 10.169-18
Family Violence Advisory Council
Advisory Committee
Composition, 5.190-4
Duties, 5.190-5
Terms of office, 5.190-4
Advisory Council
Duties, 5.190-1
Establishment, 5.190
Organization, 5.190-6
Purpose, 5.190
Interagency domestic violence death review team, 5.190-7
Steering Committee
Composition, 5.190-2
Duties, 5.190-3
Terms of office, 5.190-2
Farmers' Market Advisory Committee, 9A.5
Film Commission
Appointment, 57.2
Compensation, 57.2
Consent of relevant departments, 57.5
Coordinate city departments regarding film companies, 57.5
Cost recovery, 57.5

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS (Cont'd)
Film Commission (Cont'd)
Definitions, 57.1
Establishment, 57.2
Exceptions, 57.7
Executive Director, 57.4
Meetings, 57.4
Powers and duties, 57.3
Qualifications, 57.2
Requirements for film companies, 57.6
Sidewalk closures, 57.5
Terms of office, 57.2
Use contracts authorized, 57.5
Graffiti Advisory Board
Compensation, 5.174
Established, 5.170
Organization, 5.171
Purpose and duties, 5.172
Staffing for the Graffiti Task Force, 5.173
Health Authority
Establishment, 69.1
Governing body, 69.4
Insurance required, 69.5
Powers, 69.3
Purpose, 69.2
Responsibilities, 69.3
When constituted, 69.6
Health Service Board
Composition, 16.702
Trustees election, see ELECTIONS
Housing Authority
Appointment of Commissioners of Housing Authority, 12.2
Findings of Board of Supervisors, 12.1
Redevelopment project, survey prior to approval of, 24.2
Housing Code Enforcement Loan Program Loan Committee
Functions, 40.15
Membership, 40.14
Human Rights Commission
Advisory Council, 12A.6
Appointment, 12A.4
Cash revolving funds, 10.169-17
Complaints, adjustment and settlement of, 12A.9

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS (Cont'd)
Human Rights Commission (Cont'd)
Contracts and employment practices, Commission empowered, 12B.3
Cooperation with other communities, 12A.7
Data, 12A.12
Declaration of policy, 12A.2
Discrimination in contracting, see DISCRIMINATION
Domestic partner inquiry requirement for city forms, 12A.17
Establishment, 12A.4
Executive Secretary, 12A.4
Findings, 12A.1
Individual remedies, 12A.13
Meetings public, 12A.16
Minority/women/local business utilization, powers and duties, 12D.6, 12D.A.6
Powers and duties, 12A.5
Property contracts, Commission empowered, 12C.4
Public meetings, 12A.16
Repeal, 12A.14
Reports, 12A.11
Rules and regulations, 12A.10
Scope of ordinance, 12A.3
Severability, 12A.15
Special committees, 12A.6
Terms, 12A.4
Unfair neighborhood practices, 12A.8
Human Services Commission, 20.1
Immigrant Rights Commission, 5.201
In-Home Supportive Services Public Authority
Annual report and plan, 70.5
Disclaimers, 70.9
Fiscal provisions, 70.4
Membership of governing body, 70.2
Minimum compensation, 70.11
Powers
Generally, 70.3
Enumeration of, 70.8
Purpose, 70.1
Severability, 70.10
Termination, 70.7
Transition of functions, 70.6

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS (Cont'd)
Industrial Development Authority
Adoption of resolution and motions by majority vote, 42.15
Attorney, 42.11
Board of Supervisors, reports to, 42.22
Chairperson
Duties, 42.20
Generally, 42.6
Created under state law, 42.1
Definitions, 42.2
Governing body, name, 42.3
Limitations of authority, 42.8
Manner of action by authority, 42.13
Oath of office, 42.12
Oaths and affirmations, 42.19
Officers, employees and agents, 42.9
Organizational meeting, 42.7
Powers, 42.8
Quorum, 42.14
Rules, establishment of, 42.18
Secretary
Duties, 42.21
Generally, 42.10
Selection of Board, 42.4
Signing of resolutions, attestation, 42.17
Terms of office, 42.5
Votes, entry upon minutes, 42.16
Information Technology Committee, 3.24
Languages, see EQUAL ACCESS TO SERVICES
Library Commission
Fine and fee amnesty program, 8.21-3
Library fines and fees, 8.21-2
Note cards, 8.21
Mental Health Board
Appointment, 15.12
Composition, 15.12
Powers and duties, 15.1
Removal, 15.13
Terms, 15.13
Officers and employees; roster of, 2A.240
Parking Authority
Annual reports to Board of Supervisors, 17.5
City acting as, Civic Center Plaza Parking Facility, 10.124

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS (Cont'd)
Parking Authority (Cont'd)
Created, 17.2
Need for, 17.1
Officers and employees generally, 17.6
Powers, 17.3
Submission of budget, 17.4
Parking and Traffic Commission
Public off-street parking facilities
Courtesy coupon issuance standards, 17.19
Recommendations of, 17.14
Planning Commission
Recommendations to Redevelopment Agency, 24.5
Port Commission
Cash revolving funds, 10.169
Collection of accounts, 10.41-1
Public Utilities Commission
Cash revolving funds, 10.156
Radio communication facilities, applicability to facilities under jurisdiction of, 22.4
Rates, information furnished by
Generally, 2.25
Policy, rate expert to be informed, 2.5
Regular introduction of proposal, 2.26
Street lighting, Utilities Commission to determine specifications, 25.6
Public Utilities Citizen's Advisory Committee
Establishment, 5.140
Membership, 5.141
Organization, 5.141
Purpose, 5.140
Reports, 5.142
Public Utilities Revenue Bond Oversight Committee
Application, 5A.35
Establishment, 5A.31
Findings, 5A.30
Illegal expenditures, 5A.34
Membership, 5A.33
Public meetings, 5A.32
Purpose, 5A.31
Severability, 5A.36
Sunset, 5A.36
Redevelopment Agency, see COMMUNITY REDEVELOPMENT

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS (Cont'd)
Relocation Appeals Board
Appointment, 24B.1
Complaints, adjustment and settlement of, 24B.7
Establishment, 24B.1
Funding, 24B.1
Individual remedies, 24B.8
Meeting
Notice of, 24B.4
Place of, 24B.3
Public meetings, 24B.10
Time of, 24B.3
Powers and duties, 24B.6
Quorum, 24B.5
Redevelopment concerns, 24.7
Repeal, 24B.9
Scope, 24B.2
Severability, 24B.11
Staff, 24B.1
Terms, 24B.1
Residential Rehabilitation Loan Program
Area Rent Committee, 32.34
Citizens Advisory Committee
Functions, 32.31
Membership, 32.30, 32.30-1
Loan Committee
Functions, 32.33
Membership, 32.32
Residential Rent Stabilization and Arbitration Board
Appointment, 37.4
Cash revolving fund, 10.169-8
Compensation, 37.4
Establishment, 37.4
Executive Director, 37.4
Funding, 37.4
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Meetings, 37.5
Powers and duties, 37.6
Terms, 37.4

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS (Cont'd)
Retirement Board
Deferred compensation plan administration, 16.320
Defined, 16.29-4
Estimates by Board of length of service and the like, 16.38
MacBride Principles and the Retirement Board and System, 12F.4
Powers and duties generally, 16.37
Subpoenas, power to issue, 16.37-9
Trustees, election, see ELECTIONS
Witnesses appearing before, compensation, 16.33
Roster of officers and employees serving on, 2A.240
Seismic safety
Unreinforced Masonry Building Loan Committee
Decisions, 66A.14
Generally, 66A.13
Small Business Commission
Created, 2.40
Powers and duties, 2.40
Social Services Commission
Collection of accounts, 10.41-1
Southeast Community Facility Commission
Appointment, 54.2
Compensation, 54.2
Establishment, 54.2
Executive Director, 54.2
Findings, 54.1
Meetings, 54.2
Powers and duties, 54.3
Surplus funds, 54.4
Terms, 54.2
State Legislation Committee
Action in absence of action by Board of Supervisors, 5.10
Chairman, 5.7
Composition, 5.7
Consideration of pending state legislation, 5.5
Created, 5.5

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS (Cont'd)
State Legislation Committee (Cont'd)
Duty to study proposals and make recommendations, 5.6
Establishment of policy without reference to Committee, 5.11
Meetings, 5.8
Report of Proceedings, 5.9
Street Utilities Coordinating Committee
Duties, 5.62
Generally, 5.60
Meetings, 5.61
Subcommittees, 5.63
Sunshine Ordinance Task Force, 67.30
Telecommunications Commission
Commission meetings, 11.89
Commission powers and duties, 11.88
Definitions, 11.85
Establishment of Commission, 11.87
Findings and purpose, 11.84
Treasury Oversight Committee
Composition, 10.80-3
Costs, 10.80-5
Duties, 10.80-2
Establishment, 10.80-1
Purpose, 10.80-1
Term of Office, 10.80-4
Unreinforced Masonry Building Loan Committee
Decisions, 66A.14
Generally, 66A.13
Veterans' Affairs Commission
County Veterans Service Officer
Appropriation, 5.108.A-3
Declaration of purpose, 5.108.A
Establishment of, 5.108.A-1
Powers and duties, 5.108.A-2
Creation of Council, 5.100
Meetings, 5.106
Membership, 5.102
Organization, 5.103
Powers and duties, 5.104
Purpose, 5.101
Report, 5.105
Rules and Regulations, 5.107
Terms of office, 5.103

COMMITTEES, COMMISSIONS, AND ADVISORY BOARDS (Cont'd)
Victim/Witness Assistance Program, see VICTIMS
Voting requirements for members of bodies created by legislative action, 1.29
Women, Commission on the Status of
Cash revolving fund, 10.169-11
Commission, 33.3
Cooperation
Of other city and county entities, 33.7
With other groups and individuals, 33.5
Declaration of policy, 33.2
Department, 33.3
Executive Director, 33.3
Findings, 33.1
Powers and duties, 33.4
Reports, 33.6
Workers' Compensation Council
Members, 16.121-2
Powers and duties, 16.121-3
Procedure, 16.121-2
Workforce Development Advisory Committee, 83.8

COMMUNICATIONS (See generally TELECOMMUNICATIONS)

COMMUNITY COLLEGE
General Assistance Program, salary proration, 20.56.1
General obligation bonds, App. 53
Internships, see INTERNSHIPS
Personal Assisted Employment Services (PAES) Program, salary proration, 20.75.2
Supplemental Security Income Pending (SSIP), salary proration, 20.205.3

COMMUNITY COURT
Program administrative fee, 10.183

COMMUNITY REDEVELOPMENT (See also MUNICIPAL FINANCE LAW)
Development agreements, see PLANNING AND DEVELOPMENT
Industrial development, see INDUSTRIAL DEVELOPMENT AUTHORITY

COMMUNITY REDEVELOPMENT (Cont'd)
Redevelopment Agency
Created under state law, 24.1
Federally condemned land, in-lieu tax payments received, 10.30-1
Health Service System, participation, 16.700
Housing Authority to conduct survey prior to approval of redevelopment project, 24.2
Members
Compensation, 24.4
Increasing number appointed, 24.1-1
Travel expenses, 24.4
Planning Commission recommendations, 24.5
Quarterly reports, 24.3
Relocation Appeals Board, 24.7
Rights in redevelopment projects without discrimination, 24.6

COMMUNITY SUPPORT FUND, 10.100-95

COMPENSATED ADVOCACY AND OFFICEHOLDER ACCOUNTS, App. 11

COMPENSATION (See SALARY AND WAGES)

COMPLAINTS
Human Rights Commission, adjustment and settlement of, 12A.9
Office of Citizen Complaints
Cash revolving funds, 10.169-10
Relocation Appeals Board, adjustment and settlement of, 24B.7

CONDEMNED LAND
Federally condemned land, collection of taxes
Acceptance of sums paid on cancellation of taxes, 10.29
Disposition of moneys accepted, 10.30
In-lieu tax payments received by redevelopment agency, 10.30-1

CONDITIONAL USE PERMITS, VARIANCES, ZONING RECLASSIFICATIONS
Notification to Assessor
Conditional use
Appeal to Board of Supervisors, 34.3
Authorized by City Planning Commission, 34.2

CONDITIONAL USE PERMITS, VARIANCES, ZONING RECLASSIFICATIONS (Cont'd)
Notification to Assessor (Cont'd)
Variance
Appeal to Board of Appeals, 34.5
Granted by Zoning Administrator, 34.4
Zoning reclassification enacted by Board of Supervisors, 34.1

CONFIDENTIALITY
Nondisclosure of private information
Contract requirements, 12M.4
Definition, 12M.1
Exceptions, 12M.5
Enforcement, 12M.3
Nondisclosure of private information, 12M.2
Preemption, 12M.6
Severability, 12M.7
Watch law orders, 2.20

CONFLICT OF INTEREST (See also SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE)
City Attorney representation of Board of Supervisors, potential conflict, 2.95
Contributions prohibited, App. 51

CONNECTIONS
Sewer, water and other connections, 1.53

CONSTITUTIONAL PROTECTIONS (See WATCH LAW ORDERS)

CONTRACT PROCEDURES
Burma, city business with prohibited
Contractual services, 12J.3
Definitions, 12J.2
Findings, 12J.1
Implementation reports, 12J.8
Penalties, 12J.7
Public records, 12J.6
Purchase of commodities, 12J.4
Real and personal property agreements, 12J.3
Rules and regulations, 12J.5
Severability, 12J.9
Suspension, 12J.10

CONTRACT PROCEDURES (Cont'd)
Charter
Applicability of § 7.204
Collusion in contracting, 6.81 and 21.39
Compensation minimums; contractors
Administration, 12P.6
City departments to cooperate with agency, 12P.11
Components, 12P.3
Contract requirements, 12P.5
Definitions, 12P.2
Effective date, 12P.15
Enforcement, 12P.6
Preemption, 12P.14
Relationship to other requirements, 12P.12
Report by airport director, 12P.13
San Francisco International Airport, 12P.4
Severability, 12P.16
Title, 12P.1
Waivers
By the agency, 12P.7
By Public Utilities Commission, 12P.9
Nonprofit corporations, 12P.8
Through collective bargaining, 12P.10
Competitive bidding exemptions and alternatives
As-needed contracts, 6.64
Convention facility public works, 6.66
Design-build, 6.61
Elevator work, 6.65
Emergency repairs and contracts, 6.60
Escalator work, 6.65
Fire alarm systems work, 6.65
Fire protection,6.65
Hazardous materials abatement work, 6.63
Job order contracts, 6.62
Security,
Confidentiality
Contract requirements, 12M.4
Definitions, 12M.1
Exceptions, 12M.5
Enforcement, 12M.3
Nondisclosure of private information, 12M.2
Preemption, 12M.6
Severability, 12M.7

CONTRACT PROCEDURES (Cont'd)
Construction contracting
Bid requirements, 6.21
Bids by city departments, 6.23
Generally, 6.20
Office of Labor Standards Enforcement, 6.24
Public works performed by the city, 6.23
Quote requirements, 6.21
Terms and working conditions, 6.22
Contracting out personal services; Board of Supervisors approval
Controller's annual report, 2.16
Deadline for submission of requests, 2.17
Supplemental reports required, 2.15
Debarment, see ADMINISTRATIVE DEBARMENT PROCEDURE
Administrative procedures, 6.82
Generally, 6.80
Definitions, 6.1
Departments or commissions contracts for public works or related professional services, 6.2
Development agreements, see PLANNING AND DEVELOPMENT
Discrimination, see DISCRIMINATION
Environment, see ENVIRONMENT CODE
Environmental quality and impact, see ENVIRONMENTAL REGULATIONS
False claims, 6.80
Federally-funded or state-funded contracts, 6.6
First Source Hiring program, see FIRST SOURCE HIRING PROGRAM
Health care accountability, see HEALTH
Health contracts, see HEALTH
Historical property, Mills Act procedures
Application for contract, 71.3
Approval process, 71.4
Fees, 71.6
Purpose, 71.1
Qualified historic property, 71.2
Terms of contract, 71.5
Information technology procurement, see PURCHASING
Investigations, 6.83
Local preferences, 6.4

CONTRACT PROCEDURES (Cont'd)
MacBride Principles, Northern Ireland
City contracts, 12F.5
Findings, 12F.2
Intent, 12F.1
MacBride Principles, 12F.3
Research and education, 12F.6
Retirement Board and System, 12F.4
Severability, 12F.7
Mills Act contract procedures
Approval process, 71.4
Fees, 71.6
Historical property contract
Application, 71.3
Terms, 71.5
Purpose, 71.1
Qualified historic property, 71.2
Minority/women/local business utilization, see BUSINESS SET-ASIDES
Monetary penalties, 6.80 and 6.83
Moving services; contracts for moving services; nonprofit organizations exclusion, 21.25-x
Nondisclosure of private information
Contract requirements, 12M.4
Definitions, 12M.1
Exceptions, 12M.5
Enforcement, 12M.3
Nondisclosure of private information, 12M.2
Preemption, 12M.6
Severability, 12M.7
Nondiscrimination, see DISCRIMINATION
Nonprofit organizations, public access to records and meetings of
City undertaking limited to promotion of general welfare, 12L.9
Community representation, 12L.6
Compliance, 12L.7
Costs of compliance, 12L.1
Definitions, 12L.3
Effective date, 12L.10
Intent and interpretation, 12L.1
Public access
Contract language establishing, 12L.2
To meetings, 12L.4
To records, 12L.5
Severability, 12L.8

[The entry for contract procedures *continues on page 33.]*

[The next page is number 33.]

CONTRACT PROCEDURES (Cont'd)
Personal services; Board of Supervisors approval for contracting out
Controller's annual report, 2.16
Deadline for submission of requests, 2.17
Supplemental reports required, 2.15
Political activity by recipients of city contracts, grants, and loans
Audits, 12G.2
Penalties, 12G.4
Prohibition, 12G.1
Rules and regulations, 12G.3
Possessory interest taxes
Agreements for private use of City property, 23.38
Report of agreement and change of ownership or extension of agreement, 23.39
Taxable interests in tax-exempt real property, 23.39
Preferences for local manufacturers and industry, 6.4
Prevailing wages
Contracts for moving services; nonprofit organizations exclusion, 21.25-x
Janitorial services, 21.25-1
Motor bus service contracts, 21.25
Public off-street parking lots, garages, or storage facilities for automobiles, 21.25-2
Seismic Safety Loan Program, 66A.19
Theatrical workers, 21.25-3
Price adjustments in procurement contracts to reflect direct sales tax and business tax revenues
Definitions, 21C.1
Powers and duties of authorities, 21C.2
Promotion of general welfare, 21C.3
Severability, 21C.4
Prison made articles prohibited
Acquisition; exception, 21.31
Generally; exception, 6.22
Professional services contracting
Competitive procurement, 6.40
Competitive proposals or qualifications, 6.41
Contract terms, 6.42
Property contracts, see DISCRIMINATION
Prosecution, 6.83
Public health contracts, see HEALTH

CONTRACT PROCEDURES (Cont'd)
Public works contracts
Bid requirements, 6.21
Bids by city departments, 6.23
Office of Labor Standards Enforcement, 6.24
Public works performed by the city, 6.23
Quote requirements, 6.21
Subject to competitive bidding, 6.20
Terms and working conditions, 6.22
Real property annual reporting and planning, 23.8
Sale or other conveyance of city-owned property
Prior public notice required, 23.7
Scope of chapter, 6.0
Severability, generally, 6.8
Subcontractor and subconsultant limitation of rights; third-party beneficiaries, 6.9
Sweatfree contracting
Administration, 12U.7
Advisory group, 12U.6
Contractual requirement, 12U.4
Definitions, 12U.2
Effective date, 12U.8
Enforcement, 12U.7
Exceptions, 12U.9
Findings, 12U.1
Phase-in period, 12U.5
Preemption, 12U.10
Prohibition on sweatshop conditions, 12U.3
Severability, 12U.11
Void contract, 6.7
Women, see BUSINESS SET-ASIDES
Youth services sensitivity training, see MINORS

CONTROLLER
Accounting for and reporting income taxes, 10.17
Actions against by city and county, special counsel for, 10.28
Annual Joint Fundraising Drive, duties, 16.93-3
Audits
Charter, investigations pursuant to, 10.6
Fees collected in error; refund, 10.43-1.4
Generally, 2A.20
Leases under which city is lessor, 10.6-2
Retirement system annual audit, 16.41
Treasurer, quarterly, 10.6-3

CONTROLLER (Cont'd)
Authorized acts, 10.2
Bonded indebtedness for public improvements, referral to Controller, 2.33
Budget, Controller to assist in preparation, 3.13
Cash revolving funds, 10.139
Disadvantaged business program, 14A.6
Finance and taxation generally, see FINANCE AND TAXATION
Fees, 8.41
Funds; general Fund cost recovery
Duties, 10.195
Review, 10.199
Grants, duties of Controller, 10.170-2
Lien procedure, filing with, 10.236
Minority/women/local business utilization, Controller powers and duties, 12D.7, 12D.A.7
Property tax certificate fee, 8.41
Refund of erroneously collected fees
Audit by Controller, 10.43-1.4
Disapproval; claimant notified, 10.43-1.5
Reports, 2A.19
Retirement system annual audit, 16.41
Salary and wages
Annual Joint Fundraising Drive, 16.93-3
Deductions; authorization to deduct, 16.90
Settlement of claims
Offset
Amount becomes payable, 10.27-3
Amount owed is insufficient, 10.27-2
Failure to bill for payment, 10.27-4
Generally, 10.27-1
Hearing, 10.27-7
Net amount, 10.27-5
Section 16.32 not abridged, 10.27-6
Special counsel for actions against Controller by city and county, 10.28
Uniformed officers, claims, Controller to establish rules and regulations, 10.25-7
W-2 form replacement fees, 8.41
Women/minority/local business utilization, Controller powers and duties, 12D.7, 12D.A.7

CONVENTIONS
Convention Facilities
Cash revolving funds, 10.137
General Fund cost recovery, 10.100-5
Convention Promotion and Services Fund, 10.100-97

CORONER
Cash revolving funds, Medical Examiner Coroner, 10.169-21
Fees for copies and certain services, 8.14
Office of the Chief Medical Examiner, 2A.250

CORPORATE SEAL
Generally, 1.6
Use on city-owned automobiles, color, 4.10

CORRUPTION (See generally ETHICS)

COUNTERFEIT MONEYS, 10.83

COUNTY ASSESSOR (See ASSESSOR-RECORDER)

COUNTY CLERK
Cash revolving funds, 10.159
Domestic partnership records, 62.5
Fees
Generally, 8.33.1
Payment by Public Administrator to, 1.22

COUNTY JAIL (See JAILS AND PRISONERS)

COUNTY RECORDER (See ASSESSOR-RECORDER)

COUNTY SURVEYOR
Survey Monument Preservation Fund, 10.100-50

COUNTY VETERANS SERVICE OFFICER (See VETERANS' AFFAIRS COMMISSION)

COURTS (See also ATTORNEYS)
Cash revolving funds, trial courts, 10.140
Community support fund, 10.100-95
Courthouse Children's Waiting Rooms Account, 10.100-351
Courthouse Construction Fund, 10.100-353
Jury fees
Grand juror fees, 45.2
Title, 45.1
Trial juror fees, 45.3
Juvenile Court
Dependent children responsibility, 20.8
Law books, disposal of obsolete law books, 8.8
Public Defender cash revolving funds, 10.153

COURTS (Cont'd)
Small Claims Court, judgment debtor fee, 8.32
Trial courts, cash revolving funds, 10.140
Victim/Witness Assistance Program, see VICTIMS
Witness protection, contracts for, 1.27

COURTHOUSE CONSTRUCTION FUND, 10.100-353

CRIMINAL HISTORY RECORDS
Destruction of, 8.25

CULTURAL EQUITY ENDOWMENT FUND
Commissions to individual artists, 68.5
Cultural Equity Initiatives Program, 68.4
Establishment of, 68.3
Facilities Fund
Administration of, 68.8
Generally, 68.7
Grants to small and mid-size organizations, 68.6
Principles for, 68.2
Purposes, 68.1

— D —

DATA LICENSE AGREEMENTS
Ratification of prior fees, 8.40

DEBARMENT (See ADMINISTRATIVE DEBARMENT PROCEDURE)

DEFERRED COMPENSATION PLAN (See SALARY AND WAGES)

DELINQUENCY PREVENTION COMMISSION
Appointment; terms; expenses; vacancies, 20.51
Establishment; composition; purpose, 20.50
Funding, 20.52

DEPARTMENT OF ADMINISTRATIVE SERVICES
Mayor's Office on Disability
Establishment, 2A.22
Plan review and site inspection fees, 2A.22.1

DEPARTMENT OF AGING AND ADULT SERVICES
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Loans, see LOANS

DEPARTMENT OF BUILDING INSPECTION (See also BUILDINGS)
Cash revolving funds, 10.135

DEPARTMENT OF CHILD SUPPORT SERVICES
Appointment of Director, 89.1
Duties of the Department, 89.2
Establishment, 89.1
Staff, 89.1
Transfer of functions, 89.3

DEPARTMENT OF CHILDREN, YOUTH, AND THEIR FAMILIES, 2A.232

DEPARTMENT OF CONSUMER ASSURANCE
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Regulatory compliance and agricultural standards, 2A.220

DEPARTMENT OF CONVENTION FACILITIES
Establishment, 2A.260

DEPARTMENT OF ELECTIONS
Cash revolving funds, 10.162
Language services in languages other than English, see EQUAL ACCESS TO SERVICES

DEPARTMENT OF ELECTRICITY AND TELECOMMUNICATIONS
Radio communication facility duties, 22.2
Telecommunications facility duties, 22B.2

DEPARTMENT OF EMERGENCY COMMUNICATIONS
Generally, 2A.200
Language services in languages other than English, see EQUAL ACCESS TO SERVICES

DEPARTMENT OF HUMAN SERVICES
Cash revolving funds accounts, 10.157
Dependent children responsibilities, 20.8

DEPARTMENT OF HUMAN SERVICES (Cont'd)
Designation as county department for administration of public social services, 20.1
Fingerprint imaging of human services clients prohibited, 20.30
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Probation officers, 20.8

DEPARTMENT OF PARKING AND TRAFFIC
Cash revolving funds, 10.151
Generally, 2A.180
Language services in languages other than English, see EQUAL ACCESS TO SERVICES

DEPARTMENT OF PUBLIC HEALTH
Community Mental Health Services Vocational Rehabilitation Revolving Fund, 10.154-1
Fund generally, 10.154
Contracts, see Public health contracts at HEALTH
Funds
Emergency Medical Services Fund, 10.100-195
Environmental Enforcement Fund, 10.100-198
Gift Funds, 10.100-201
Laboratory Fund, 10.100-207
Laguna Honda Home Trust Fund, 10.100-209
Laguna Honda Home Workshop Fund, 10.100-211
San Francisco General Hospital Trust Fund, 10.100-215
Institutional Police Department
Transfer to Sheriff, 1.59
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Mental health generally, see MENTAL HEALTH SERVICES
Rent Escrow Account Program (REAP), duties of the Director, 74.12

DEPARTMENT OF PUBLIC WORKS
Cash revolving funds, 10.158
Contracts, see CONTRACT PROCEDURES

DEPARTMENT OF PUBLIC WORKS (Cont'd)
Funds
Adopt-a-Tree Fund, 10.100-227
Excavation Fund, 10.100-230
Litter Control Fund, 10.100-233
Nuisance Abatement and Removal Fund, 10.100-236
Street Damage Restoration Fund, 10.100-239
Generally, 2A.190
Labor by inmates of county jail, 13.4
Special public works services
Authority to perform for governmental entities and for utilities, 10B.21
General provisions, 10B.15
Minimum assignment, 10B.14
Payment for services, 10B.12
Payments in arrears, 10B.20
Rates of pay, 10B.13
Request for street-cleaning and related services, 10B.11
Utilities generally, see PUBLIC UTILITIES

DEPARTMENT OF TELECOMMUNICATIONS AND INFORMATION SERVICES
Cash revolving funds, 10.143
Commission meetings, 11.89
Commission powers and duties, 11.88
Definitions, 11.85
Establishment of
Commission, 11.87
Department; powers and duties, 11.86
Findings and purpose, 11.84

DEPARTMENTS (see also specific entries)
Acquisition of commodities and services
Direct purchasing authority of, 21.04
Powers of, 21.05
Purchasing generally, see PURCHASING
Solicitations, multiple departments, 21.16
Arts and Culture Departments, see ARTS AND CULTURE
Bids by, 6.23
Budgets; departments to operate within, 3.14
City Administrator, 2A.25
Collection of accounts of $300 or less, 10.41-1
Conflict of interest, see ETHICS

DEPARTMENTS (Cont'd)
Department heads
Generally, 2A.30
Oaths, 2A.31
Retirement system, notify change of member status, 16.44
Economic and Workforce Development Department, 2A.270
General Fund cost recovery, departmental budget estimates, 10.198
Information services, see TELECOMMUNICATIONS
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Office of the Chief Medical Examiner, 2A.250
Payroll procedure, see SALARY AND WAGES
Police Department, see LAW ENFORCEMENT
Purchasing, see generally PURCHASING
Quarterly report on departmental spending, 10.19-5
Real estate, see generally REAL PROPERTY
Retirement system, see generally RETIREMENT
Telecommunications, see TELECOMMUNICATIONS
Uniforms
Employment termination or change, 16.462
Finding, 16.450
Return of uniforms, 16.462
Supplied and owned by city, 16.450
Uniform supply records, 16.451
Youth services sensitivity training, see MINORS

DETENTION (See JAILS AND PRISONERS)

DEVELOPMENT (See PLANNING AND DEVELOPMENT)

DIRECTOR OF PROPERTY (See REAL PROPERTY)

DISABILITY
Benefits
Ambulance drivers, 16.171
District Attorney investigators, 16.175
Entitlement defined, 16.170
Medical stewards, 16.171
Department of Administrative Services—Mayor's Office on Disability, 2A.22

DISABILITY (Cont'd)
Insurance program enrollment, 16.9-31
Mayor's Office on Disability
Establishment, 2A.22
Plan review and site inspection fees, 2A.22.1
Retirement
Engaging in gainful occupation after retirement period, 16.74
Medical examinations, 16.74
Medical grounds, 16.71
Re-entry into service, 16.74
Vacation, use of to supplement disability leave, 16.15

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
Affirming city policy against discrimination in public contracting, 14A.01
Applicability, 14A.02
Bonding and financial assistance program, 14A.11
Compliance, 14A.13
Emergency ordinance; reenacting, 14A.03
Exceptions and waivers, 14A.12
Financial assistance program, 14A.11
Findings, 14A.2
General welfare clause, 14A.27
Definitions, 14A.4
Discount application, 14A.10
Monitoring, 14A.13
Operative date, 14A.02
Powers and duties
Of the Commission and the Director, 14A.5
Of contract awarding authorities, 14A.8
Of the Controller, 14A.6
Of the Mayor, 14A.7
Of the Office of Contract Administration, 14A.9
Reporting and review, 14A.15
Scope, 14A.3
Severability, 14A.16
Short title, 14A.1
Subcontracting program, 14A.14
Suspension of Chapter 12D.A, temporary, 14A.01
Waivers, 14A.12

DISASTERS
Board of Supervisors' review of city's state of disaster preparedness, 7.19
Disaster Council
Appointment of members, 7.3
Composition, 7.3
Created, 7.3
Powers and duties, 7.4
Reports to, 7.4-1
Earthquakes, see EARTHQUAKES
Generally, see EMERGENCY MANAGEMENT

DISCRIMINATION
Contracts
Compliance with nondiscrimination provisions, 6.55
Employment practices, nondiscrimination in
All contracts to include nondiscrimination provisions, 12B.1
Employment practices, nondiscrimination in
Application to discriminatory employment practices only, 12B.5
Definitions, 12B.1
Exceptions, 12B.5-1
Human Rights Commission empowered, 12B.3
Nonapplicability, 12B.5-1
Nondiscrimination
Guidelines, 12B.4
Provisions, 12B.2
Severability, 12B.6
Waivers, 12B.5-1
MacBride Principles, Northern Ireland
City contracts, 12F.5
Findings, 12F.2
Intent, 12F.1
MacBride Principles, 12F.3
Research and education, 12F.6
Retirement Board and System, 12F.4
Severability, 12F.7
Property contracts, nondiscrimination in
All property contracts to include nondiscrimination provisions, 12C.1
Definitions, 12C.2
Exceptions, 12C.5-1
Funding, 12C.5
Human Rights Commission empowered, 12C.4

DISCRIMINATION (Cont'd)
Contracts (Cont'd)
Property contracts, nondiscrimination, in (Cont'd)
Nonapplicability, 12C.5-1
Nondiscrimination provisions, 12C.3
Severability, 12C.6
Waivers, 12C.5-1
Emergency shelter for the homeless, see HOUSING
Equal opportunity
Equal Employment Opportunity plans; Civil Service Commission, 16.9-24
Minority/women/local business utilization, see BUSINESS SET-ASIDES
Residential Mortgage Revenue Bond Law, financing residences, 43.1.1 et seq.
Seismic Safety Loan Program, 66A.26
Human Rights Commission, see HUMAN RIGHTS COMMISSION
Immigration status, assisting authorities restricted
Chapter inapplicable to persons convicted of certain crimes, 12H.2-1
City and County of refuge, 12H.1
City undertaking limited to promotion of general welfare, 12H.5
Clerk of Board to transmit copies of this chapter, 12H.3
Enforcement, 12H.4
Informing city employees, 12H.3
Severability, 12H.6
Use of city funds prohibited, 12H.2
Sexual harassment policy, 16.9-25
U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
CEDAW Task Force, 12K.5
Definitions, 12K.2
Findings, 12K.1
Implementation of the principles, 12K.4
Local principles, 12K.3
Summary of CEDAW, 12K.6
Youth services sensitivity training, see MINORS

DISPUTE RESOLUTION PROGRAM FUND, 10.100-295

DISTRICT ATTORNEY (See ATTORNEYS)

DOCUMENTS
Official newspaper, see OFFICIAL NEWSPAPER
Records management, see RECORDS AND PUBLICATIONS

DOLPHIN CLUB SPECIAL FUND, 10.100-251

DOMESTIC PARTNERSHIPS, App. 21
Amendment, 62.11
Approved, 62.13
Civil ceremony, 62.9
Codification, 62.7
County Clerk's records, 62.5
Definitions, 62.2
Ending a domestic partnership, 62.4
Establishing a domestic partnership, 62.3

DOMESTIC PARTNERSHIPS, App. 21
Filing fees, 62.8
Legal effect of declaration, 62.6
Purpose, 62.1
Severability, 62.12
Ratified and approved, 62.13
Recognition of marriages, domestic partnerships, civil unions, and similar relationships of other jurisdictions, 62.10
Repeal, 62.11

DOMESTIC VIOLENCE
Advisory Committee
Composition, 5.190-4
Duties, 5.190-5
Terms of office, 5.190-4
Advisory Council
Duties, 5.190-1
Establishment, 5.190
Organization, 5.190-6
Purpose, 5.190
Domestic Violence Program Fund, 10.100-336
Interagency domestic violence death review team, 5.190-7
Steering Committee
Composition, 5.190-2
Duties, 5.190-3
Terms of office, 5.190-2

DOWNTOWN PLAN MONITORING
Annual report, 10E.2
Findings, 10E.1
Five year report, 10E.3
Information to be furnished, 10E.4

DRUGS
Alcohol, see ALCOHOL
Cost recovery of emergency response
Appropriate emergency response defined, 10H.2
Collection of costs, 10H.3
Liability for costs of emergency response, 10H.1
Severability, 10H.4
Drug Abuse Advisory Board, 15.17
Forfeiture and Asset Seizure Fund, 10.100-310

— E —

EARNED INCOME CREDIT INFORMATION
Definitions, 12O.1
Preemption, 12O.3
Required contract provisions, 12O.2
Severability, 12O.4

EARTHQUAKES
Earthquake Emergency Relief Fund, 10.100-100
Rent reduction and relocation plan for tenants inconvenienced by seismic work
Applicability, 65.1
Habitable rooms, kitchens, 65.4
Notice to tenants, 65.2
Relocation
Assistance notice, 65.7
Expenses, 65.8
Maximum costs, 65.9
Payments, 65.10
Requirements, 65.6
Rent reduction and relocation plan for tenants inconvenienced by seismic work
Rent reduction
Formula, 65.5
Generally, 65.3
Payments, 65.10

EARTHQUAKES (Cont'd)
Seismic Safety Loan Program
Affirmative action, 66A.26
Application process, 66A.11
Base wages, 66A.18
Bidding requirements, 66A.10
Close of seismic safety loan, 66A.15
Definitions, 66A.2
Disbursements, 66A.16
Documentation for seismic safety loans, 66A.5
Economically disadvantaged hire requirement, 66A.22
Eligible uses of loan proceeds, 66A.9
Health insurance, 66A.21
Initial review of loan applications by financial consultant, 66A.12
Insurance
Health insurance, 66A.21
Property/liability insurance, 66A.20
Lending criteria, 66A.4
Loan Fund, 10.100-315
Minority/women business enterprises, 66A.10
Monitoring
By financial consultant, 66A.16
For compliance with regulatory agreements, 66A.23
Permissible loan amounts, 66A.8
Prevailing wages, 66A.19
Management, 66A.25
Personnel, 66A.3
Regulations, 66A.24
Property/liability insurance, 66A.20
Purpose, 66A.1
Security for seismic safety loans, 66A.6
Seismic Safety Loan Fund, 10.100-315
Servicing, 66A.17
Subordination of liens securing seismic safety loans, 66A.7
Unreinforced Masonry Building Loan Committee
Decisions, 66A.14
Generally, 66A.13
Wages
Base wages, 66A.18
Prevailing wages, 66A.119

EARTHQUAKES (Cont'd)
Seismic Safety Retrofit Program
Amount and use of program funds, 66.3
Definitions, 66.1
Loan period, 66.4
Preservation of housing, 66.5
Program regulations, 66.2

ECONOMIC ANALYSIS AND DEVELOPMENT PLANNING
Office of Economic Analysis, 10.31
Economic analysis of legislation, 10.32
Economic development plan, 10.33

ECONOMIC AND WORKFORCE DEVELOPMENT DEPARTMENT
Established, 2A.270

ECONOMIC DEVELOPMENT (See also COMMUNITY REDEVELOPMENT)
Economic and Workforce Development Department, 2A.270
Economic Development Bond Law
Appropriations; no limitation, 43.2.6
Authority
Additional, 43.2.4
Full, 43.2.3
Bonds
Anticipation notes, 43.2.25
Debt of city, 43.2.18
Issuance, 43.2.17
Lien, 43.2.21
Money or Assets, 43.2.21
Personal liability, 43.2.22
Pledge of revenues, 43.2.21
Provisions, 43.2.20
Purchase by city, 43.2.23
Refunding, 43.2.24
Terms, 43.2.19
Validity, 43.2.26
Definitions, 43.2.5
Financing facilities
Acquisition of facilities, 43.2.8
Additional powers, 43.2.16
Applications for approval, 43.2.9
Charges, 43.2.12
Construction of facilities, 43.2.8

ECONOMIC DEVELOPMENT
Economic Development Bond Law
Financing facilities (Cont'd)
Fees, 43.2.10
Insurance, 43.2.11
Leasing of facilities, 43.2.8
Loans for facilities, 43.2.7
Professional services, 43.2.14
Public works requirements inapplicable, 43.2.15
Rents, 43.2.12
Security for loans, 43.2.13
Selling of facilities, 43.2.8
Purpose, 43.2.2
Supplemental provisions
Chapter controlling, 43.2.29
Liberal construction, 43.2.27
Omissions not to affect validity of bonds, 43.2.28.
Severability, 43.2.30
Title, 43.2.1

ELECTIONS (See also SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE or SAN FRANCISCO MUNICIPAL ELECTIONS CODE)
Assistance, App. 59
Bonded indebtedness for public improvements, procedure, see IMPROVEMENTS
Contributions prohibited, App. 51
Department of Elections
Cash revolving funds, 10.162
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Task Force, App. 28
Trustees for the Retirement Board and Health Service Board
Ballots
Contain instructions for voting, 16.558
Counting of ballots, 16.563
Delivery of ballots
And names of eligible voters to registrar or contractor, 16.557
And instructions to election officers, 16.560
Extra ballots, 16.559
Placed in addressed envelopes, 16.559

ELECTIONS (Cont'd)
Trustees for the Retirement Board and Health Service Board (Cont'd)
Certification of new trustee, 16.563
Dates of election, 16.552
Election officers
Appointment of, 16.555
Ballot and instruction delivery, 16.560
Duties of, 16.561
Instructions to, 16.556
Nomination of members, 16.553
Notice to
Contractor, 16.554
Departments, 16.555
Members and retired members, 16.553
Registrar, 16.554
Payroll Department, duty of, 16.562
Purpose, 16.550
Retirement Board
To order elections, 16.551
To reimburse registrar, 16.564

ELECTRICITY (See SOLAR ENERGY)

EMERGENCY MANAGEMENT
911 Emergency Response Fund, 10.100-67
Agreement to abide by State Master Mutual-aid Agreement, 7.2
Board of Supervisors' review of city's state of disaster preparedness, 7.19
Claims, emergency response expenses, calculation and recovery, 10.28A
Compensation of members, 7.16
Contaminating agents, power to combat, 7.15
Cost recovery of emergency response
Appropriate emergency response defined, 10H.2
Collection of costs, 10H.3
Liability for costs of emergency response, 10H.1
Severability, 10H.4
Department of Emergency Communications, 2A.200
Disaster Council
Appointment of members, 7.3
Composition, 7.3
Created, 7.3
Powers and duties, 7.4

EMERGENCY MANAGEMENT (Cont'd)
Disaster Council (Cont'd)
Reports to, 7.4-1
Earthquakes, see EARTHQUAKES
Emergency communications, 2A.200
Emergency defined and construed, 7.1
Emergency Services of San Francisco
Composition, 7.5
Director, 7.7
Mayor, 7.6
Organizational provisions, 7.9
Expenditures, 7.18
Fire Auxiliary Reserve, 7.11
General Fund cost recovery; 911 Fund, 10.100-67
Immunities of members, 7.16
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Loyalty oath of members, 7.16
Member compensation, immunities, and loyalty oath, 7.16
Penalty, 7.17
Police Auxiliary Reserve, 7.10
Purposes, 7.1
Severability, 7.19
Violations of chapter, 7.17

EMERGENCY MEDICAL SERVICES
Cost recovery of emergency response
Appropriate emergency response defined, 10H.2
Collection of costs, 10H.3
Liability for costs of emergency response, 10H.1
Severability, 10H.4
Emergency Medical Service Communications Center use, 15.103
Fund, 10.100-195
Hospitals, see HOSPITALS
Public health contracts, see HEALTH

EMERGENCY MERCY FUND, 10.100-102

EMERGENCY RESPONSE
Cost recovery
Appropriate emergency response defined, 10H.2
Collection of costs, 10H.3
Liability for costs of emergency response, 10H.1
Severability, 10H.4

[The next entry begins on page 41.]

EMERGENCY PROCUREMENT, 21.15

EMERGENCY SHELTER FOR THE HOMELESS (See HOUSING)

EMINENT DOMAIN
- Proceedings brought by U.S.; disclaimers, 1.7
- Relocation Appeals Board
  - Appointment, 24B.1
  - Complaints, adjustment and settlement of, 24B.7
  - Establishment, 24B.1
  - Funding, 24B.1
  - Individual remedies, 24B.8
  - Meeting
    - Notice of, 24B.4
    - Place of, 24B.3
    - Public meetings, 24B.10
    - Time of, 24B.3
  - Powers and duties, 24B.6
  - Quorum, 24B.5
  - Redevelopment concerns, 24.7
  - Repeal, 24B.9
  - Scope, 24B.2
  - Severability, 24B.11
  - Staff, 24B.1
  - Terms, 24B.1

EMPLOYMENT
- Bonding city officers and employees, see BONDS
- Business set-asides, see BUSINESS SET-ASIDES
- City officers and employees, see generally OFFICERS AND EMPLOYEES
- Compensation minimums; contractors
  - Administration, 12P.6
  - City departments to cooperate, 12P.11
  - Components, 12P.3
  - Contract requirements, 12P.5
  - Definitions, 12P.2
  - Effective date, 12P.15
  - Enforcement, 12P.6
  - Preemption, 12P.14
  - Relationship to other requirements, 12P.12
  - Report by airport director, 12P.13
  - San Francisco International Airport, 12P.4

EMPLOYMENT (Con't)
- Compensation minimums; contractors (Con't)
  - Severability, 12P.16
  - Title, 12P.1
  - Waivers
    - By the agency, 12P.7
    - By Public Utilities Commission, 12P.9
    - Collective bargaining, 12P.10
    - Nonprofit corporations, 12P.8
- Discrimination, see DISCRIMINATION
- Economic and Workforce Development Department, 2A.270
- Equal opportunity
  - Cable television franchises, 11.45
  - Discrimination, see DISCRIMINATION
  - Equal Employment Opportunity plans, implementation with Civil Service Commission, 16.9-24
  - Minority/women/local business utilization, see BUSINESS SET-ASIDES
  - Residential Mortgage Revenue Bond Law, financing residences, 43.1.1 et seq.
  - Seismic Safety Loan Program, 66A.26
- First Source Hiring Program, see FIRST SOURCE HIRING PROGRAM
- Health care accountability
  - Administration, 12Q.5
  - Components, 12Q.3
  - Contractual obligations, 12Q.4
  - Definitions, 12Q.2 through 12Q.2.21
  - Effective date, 12Q.9
  - Enforcement, 12Q.5
  - Special waiver by the Public Utilities Commission, 12Q.7
  - Preemption, 12Q.8
  - Severability, 12Q.11
  - Suspension period, 12Q.10
  - Title, 12Q.1
  - Waivers by the agency director, 12Q.6
- Human Resources
  - Cash revolving funds, 10.145-2
  - Personnel generally, see OFFICERS AND EMPLOYEES
  - Workers compensation, 10.145-1
- Labor relations, see LABOR RELATIONS
- Local preferences, 6.4

EMPLOYMENT (Con't)
MacBride Principles, Northern Ireland
City contracts, 12F.5
Findings, 12F.2
Intent, 12F.1
MacBride Principles, 12F.3
Research and education, 12F.6
Retirement Board and System, 12F.4
Severability, 12F.7
Minority/women/local business utilization, see BUSINESS SET-ASIDES
Retirement system cash revolving funds, 10.169-1
Sexual harassment policy, 16.9-25
Unfair labor practices, see LABOR RELATIONS
Women/minority/local business utilization, see BUSINESS SET-ASIDES
Workforce Development Advisory Committee, 83.8

ENTERTAINMENT CENTERS AT CITY HALL, App. 38

ENTERTAINMENT COMMISSION
Annual reports, 90.8
Appointments, App. 58
Definitions, 90.2
Duties, 90.4
Establishment, 90.3
Executive director, 90.5
Fees, 90.9
Permit administrators, 90.6
Policy, 90.1
Powers, 90.4
Sound technician, 90.7

ENVIRONMENTAL REGULATIONS (See also SAN FRANCISCO ENVIRONMENT CODE)
Commission on the Environment
Cash revolving funds, 10.169-12
Environmental Enforcement Fund, 10.100-198

ENVIRONMENTAL REGULATIONS (Con't)
Environmental Quality Act
Authority and mandate, 31.01
Evaluations
Actions on projects, 31.17
Additional environmental review, 31.18
Consultations and comments, 31.14
Determination of need for, 31.09
Environmental impact reports
Appeal of final reports, 31.16
Draft, 31.13
Final, 31.15
Requirement determination, 31.12
Evaluation of modified projects, 31.19
Initial evaluation of projects, 31.10
Multiple actions on projects, 31.20
Negative declarations, 31.11

[The entry for ENVIRONMENTAL REGULATIONS *continues on page 43.]*

ENVIRONMENTAL REGULATIONS (Cont'd)
Environmental Quality Act (Cont'd)
Fees
Allocation of costs, 31.21
Basic fees, 31.22
Other fees, 31.23
Objectives, 31.02
Office of Environmental Review, 31.05
Policies, 31.02
Projects covered
Categorical exemptions, 31.0
Listing of non-physical and ministerial projects, 31.07
State law coverage, 31.06
Responsibility, 31.04
Scope of requirements, 31.03
Severability, 31.24

EQUAL ACCESS TO SERVICES
Languages other than English
Commission responsibilities, 90.11
Complaint procedure, 90.8
Compliance plans, 90.9
Definitions, 90.2
Enforcement, 90.13
Equal access to services, 90.3
Hearings, 90.6
Public meetings and hearings, 90.6
Recorded telephonic messages, 90.7
Recruitment, 90.10
Rules and regulations, 90.12
Severability, 90.14
Title, 90.1
Translations
Generally, 90.4
State and federal government materials, 90.5

EQUAL OPPORTUNITY
Discrimination, see DISCRIMINATION
Equal Employment Opportunity plans; Civil Service Commission implementation, 16.9-24
Minority/women/local business utilization, see BUSINESS SET-ASIDES
Residential Mortgage Revenue Bond Law, financing residences, 43.1.1 et seq.
Seismic Safety Loan Program, 66A.26

ETHICS (See also SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE)
Campaigning issues, see ELECTIONS
Commission
Cash revolving funds, 10.169-18
City Attorney representation of Board of Supervisors, potential conflict, 2.95
Contributions prohibited, App. 51
Elections, see generally ELECTIONS

EXCAVATION FUND, 10.100-230

EXCELSIOR YOUTH CENTER FUND, 10.100-104

EXECUTIVE BRANCH
Airport, see AIRPORT
Arts and Culture Departments, see ARTS AND CULTURE
Controller, see CONTROLLER
Departments, see DEPARTMENTS or specific department headings
District Attorney, see ATTORNEYS
Economic and Workforce Development Department, 2A.270
Emergency management, see EMERGENCY MANAGEMENT
Mayor, see MAYOR
Parks, see PARKS AND RECREATION
Planning, see PLANNING AND DEVELOPMENT
Police, see LAW ENFORCEMENT
Public utilities, see PUBLIC UTILITIES
Public Works, see PUBLIC WORKS
Real property, see REAL PROPERTY
Recreation, see PARKS AND RECREATION

EXECUTIVE PARK, App. 15

— F —

FAIR LABOR STANDARDS ACT, 18.12

FAMILY
Social services, see SOCIAL SERVICES
Status, see DOMESTIC PARTNERSHIPS
Violence, see DOMESTIC VIOLENCE

FAMILY (Cont'd)
Working families
City offices to provide forms and information, 12S.2
Treasurers Working Families Credit Fund, 10.100-347
Working Families Credit Program, 12S.1

FARMERS' MARKET
Administration, 9A.4
Advisory Committee, 9A.5
Approved sales, 9A.1
Authorized, 9A.1
Cash revolving fund, 10.144
Certification fee, 1.10-1
Commission sales, 9A.10
Compliance with applicable laws, 9A.6
Designation of persons authorized to enter premises, 9A.13
Entry, unlawful entry upon premises, 9A.18
Fees
Certification fee, 1.10-1
Generally, 9A.7
Finances for maintenance and operation, 9A.2
Hours of operation, 9A.12
Inspection of products, 9A.6
Location, 9A.3
Name, 9A.2
Permission to sell
Appeals, 9A.17
Required
Generally, 9A.14
Violations, 9A.19
Scope, 9A.14
Suspension or revocation, 9A.16
Terms and conditions, 9A.15
Resales, 9A.10
Rules and regulations
Compliance required, 9A.11
Generally, 9A.9
Sales, Persons who may sell, 9A.10
Sanitation, products to be kept sanitary, 9A.11
Surplus commodities, distribution to needy persons, 9A.8
Unlawful entry upon premises, 9A.18

FEDERAL
Federal prisoners in county jails, see JAILS AND PRISONERS
Grants, see GRANTS
Lobbyists, see LOBBYISTS

FEES
Arts Commission civic design review fees, 3.19A
Board of Appeals surcharge fees
Annual adjustment, 10G.2
Imposed, 10G.1
Impact development fees, transit, see TRANSPORTATION
Jury fees
Grand juror fees, 45.2
Title, 45.1
Trial juror fees, 45.3
Licenses and permits, 10.19-3
Mission Street (1660) surcharge
Annual setting of surcharge rate, 10F.2
Fee surcharge, 10F.1
Payment by the Public Administrator to the County Clerk, 1.22
Property tax certificate fees, 8.41
Tax billing administrative fees, 8.34.1
Tax Collector, 8.34
Transit impact development fees, see TRANSPORTATION
W-2 form replacement fees, 8.41

FELONS
Assistance programs, ineligibility for
Felony involving controlled substance possession, use, or distribution
General Assistance Program, 20.56.16
Fleeing felons
Cash Assistance Linked to Medi-Cal (CALM), 20.105.9
General Assistance Program, 20.56.17
Personal Assisted Employment Services (PAES) Program, 20.75.13
Supplemental Security Income Pending (SSIP), 20.205.13

FERRY BUILDING AND PIER 52, App. 30

FILM COMMISSION
Appointment, 57.2
Compensation, 57.2
Consent of relevant departments, 57.5
Coordinate city departments regarding film companies, 57.5
Cost recovery, 57.5
Definitions, 57.1
Establishment, 57.2

[The entry for film commission *continues on page 45.]*

[The next page is number 45.]

FILM COMMISSION (Cont'd)
Exceptions, 57.7
Executive Director, 57.4
Meetings, 57.4
Powers and duties, 57.3
Qualifications, 57.2
Requirements for film companies, 57.6
Sidewalk closures, 57.5
Terms of office, 57.2
Use contracts authorized, 57.5

FINANCE AND TAXATION (See also MUNICIPAL FINANCE LAW)
Accounting for and reporting income taxes
Controller's duties, 10.17
Duties of city offices, boards and commissions, 10.18
Acquisition of commodities and services, see PURCHASING
Actions, dismissal of when full amount paid, 1.7-2
Allotments, 10.05
Annual economic statement, city-funded organizations, 10.1
Annual tax rate ordinance: amendment to the annual appropriation ordinance, 1.19
Appropriations
Allotments, 10.05
Amendment to annual appropriation ordinance, 1.19
Annual tax rate ordinance, 1.19
Appropriation ordinance, effect of, 10.01
Budget appropriations
Annual ordinance, 3.11
Art enrichment appropriations, 3.19
Supplemental ordinances, modifications, 3.15
Cash Reserve Fund and supplemental appropriations, 10.02
County Veterans Service Officer, 5.108.A-3
Disbursements
Generally, 10.07
In advance of revenues, 10.08
Encumbrances, 10.06
Invalidity of improper acts, 10.08-1
Penalties, 10.08-2
Assessments, see ASSESSMENTS

FINANCE AND TAXATION (Cont'd)
Assessor, see ASSESSOR-RECORDER
Assistance programs, see ASSISTANCE PROGRAMS
Audits
Acquisition of commodities and services, audit of contractor's records, 21.34
Investigations by Controller pursuant to Charter, 10.6
Leases under which city is lessor, 10.6-2
Retirement system annual audit, 16.41
Treasurer, quarterly, 10.6-3
Automatic teller machine card, payment, 10.11-1
Bonds, see BONDS
Budget, see BUDGET PROCEDURES
Bureau of Delinquent Revenue Collection
Abandonment of claims, 10.40
Assignment of accounts for purposes of collection, 10.39-1
Collection cost recovery, 10.40-1
Collection of
Airports Commission accounts, 10.41-1
All claims, exception of assigned claims, 10.39
Delinquent municipally owned utility accounts, 10.41
Department accounts of $300 or less, 10.41-1
Port Commission accounts, 10.41-1
Social Services Commission accounts, 10.41-1
Compromise of claims, 10.40
Contracts to recover city funds, 10.39-1.1
Director of Adult Probation Department to recover costs of incarceration, 10.39-2
Established, 10.37
Incarceration
Annual determination of average per-day costs of, 10.39-3
Director of Adult Probation Department to recover costs, 10.39-2
Quarterly reports, 10.42
Reports of accounts receivable and delinquent taxes to Bureau, 10.38
Sheriff's work alternative program fees, 10.39-4
Tax Collector to direct, 10.37

FINANCE AND TAXATION (Cont'd)
Campaigning, see ELECTIONS
Cash Reserve Fund and supplemental appropriations, 10.02
Cash revolving funds, see CASH REVOLVING FUNDS
Charge for personal checks returned without payment, 10.13-1
Charter, audits and investigations by Controller pursuant to, 10.6
Checks, see Negotiable instruments, this heading
City-funded organizations, annual economic statement, 10.1
Civic Auditorium, 4.23
Civic Center Plaza parking facility financing, see CIVIC CENTER PLAZA
Claims
Settlement of claims, see ACTIONS AND PROCEEDINGS
Clearinghouse representative, 10.19-1
Collection
Delinquencies, see Bureau of Delinquent Revenue Collection, this heading
Federally condemned land
Acceptance of sums paid on cancellation of taxes, 10.29
Disposition of moneys accepted, 10.30
In-lieu tax payments received by redevelopment agency, 10.30-1
Secured personal property taxes, 10.3-1
Unidentified tax collections, disposition of
Credit and transfer of identified funds, 10.45
Deposit with Treasurer, 10.44
Escheat of funds unidentified for three years, 10.46
Separate account in General Fund, 10.44
Unsecured property taxes, 10.3
Condemned land, collection of taxes
Acceptance of sums paid on cancellation of taxes, 10.29
Disposition of moneys accepted, 10.30
In-lieu tax payments received by redevelopment agency, 10.30-1

FINANCE AND TAXATION (Cont'd)
Contracts, see CONTRACT PROCEDURES
Controller, see CONTROLLER
Credit card, payment by, 10.11-1
Damaged or destroyed property, transfer of base value of, 10.2-7
Debit card, payment by, 10.11-1
Delinquencies, see Bureau of Delinquent Revenue Collection, this heading
Disbursements
Generally, 10.07
In advance of revenues, 10.08
Dismissal of actions when full amount paid, 1.7-2
Earthquake Safety and Retrofit Programs, see EARTHQUAKES
Elections, see ELECTIONS
Emergency Reserve Fund, 10.03
Encumbrances, 10.06
Exemptions from property taxation of low-value personal property, 10.2-8
Federally condemned land, collection of taxes
Acceptance of sums paid on cancellation of taxes, 10.29
Disposition of moneys accepted, 10.30
In-lieu tax payments received by redevelopment agency, 10.30-1
Fees
Licenses and permits, 10.19-3
Refunds, see Refund of erroneously collected fees, this heading
Tax billing administrative fees, 8.34.1
Tax Collector, 8.34
Fiscal responsibility, see FISCAL RESPONSIBILITY AND FEASIBILITY
Funds
Cash revolving funds, see CASH REVOLVING FUNDS
Generally, see FUNDS
Impact development fees, transit, see TRANSPORTATION
Improper acts invalid, 10.08-1
Installment payment of taxes, 10.2-4
Invalidity of improper acts, 10.08-1
Investigations and audits by Controller pursuant to Charter, 10.6

FINANCE AND TAXATION (Cont'd)
Jury fees
Grand juror fees, 45.2
Title, 45.1
Trial juror fees, 45.3
Licenses and permits, fees, 10.19-3
Lost warrants or checks, 10.182
Mission Street (1660) surcharge
Annual setting of surcharge rate, 10F.2
Fee surcharge, 10F.1
Money, custody of
Generally, 10.19-2
Municipal court, see COURTS
Mortgage - Residential Mortgage Revenue Bond Law, see HOUSING
Negotiable instruments, receipt for collection
Checks
Presentation within one year, 10.181
Returned check charge, 10.13-1
Definitions, 10.10
Inapplicability of provisions, 10.16
Lost warrants or checks, 10.182
Payment
Electronic, 10.11-1
In excess of obligation, 10.15
Receipt authorized; exception, 10.11
Return when amount is insufficient, 10.13
Submission to Treasurer, 10.12
When payment is deemed made, 10.14
Warrant; presented within one year, 10.181
Nonprofit Performing Arts Loan Program, see ARTS AND CULTURE
Organizations funded by city; annual economic statement, 10.1
Payment
Electronic, 10.11-1
Installment payment for taxes, 10.2-4
Penalties, 10.08-2
Permits and licenses, fees, 10.19-3
Possessory interest taxes
Agreements for private use of City property, 23.38
Report of agreement and change of ownership or extension of agreement, 23.39
Taxable interests in tax-exempt real property, 23.39

FINANCE AND TAXATION (Cont'd)
Price adjustments in procurement contracts to reflect direct sales tax and business tax revenues
City undertaking limited, 21C.3
Definitions, 21C.1
Powers and duties of authorities awarding contracts, 21C.2
Severability, 21C.4
Proceeds, distribution of certain taxes, 1.19-1
Property tax
Apportionment, 10.7-2.1
Assessments, see Assessments, this heading
Certificate fees, 8.41
Circumstances invoking ordinance, 10.7-2.3
Collection
Collection and disbursement, 10.7-2.2
Secured personal property taxes, 10.3-1
Unsecured property taxes, 10.3
Damaged or destroyed property, transfer of base value of, 10.2-7
Exemptions for low-value personal property, 10.2-8
Findings and intent, 10.7-2
Purchasing, see PURCHASING
Refund of erroneously collected fees
Approved by department, 10.43-1.2
Audit by Controller, 10.43-1.4
Claims returned for correction, 10.43-1.3
Disapproved by Controller; claimant notified, 10.43-1.5
Exceptions, 10.43-1.6
Generally, 10.43
Itemization of claims, 10.43-1.1
Time for presentation of claims, 10.43-1
Verifications of claims, 10.43-1.1
Rental deposit refund, Civic Auditorium and Moscone Convention Center, 4.23
Residential Mortgage Revenue Bond Law, see HOUSING
Residential rehabilitation, see RESIDENTIAL REHABILITATION LOAN PROGRAM
Retirement system, see RETIREMENT
Salary, annual ordinance, 10.04
Sale, transfer, or other conveyance of city-owned property
Prior public notice required, 23.7
Securities, see SECURITIES
Seismic safety and the like, see EARTHQUAKES

FINANCE AND TAXATION (Cont'd)
Settlement of claims, see ACTIONS AND PROCEEDINGS
Special assessments, limitations on, 1.20
Tax assessment payments in even cents, 10.2-2
Tax billing administrative fees, 8.34.1
Tax Collector, see TREASURER-TAX COLLECTOR
Tax payment in installments, 10.2-4
Transit impact development fees, see TRANSPORTATION
Travel expenses, reimbursement, see OFFICERS AND EMPLOYEES
Treasurer, see TREASURER-TAX COLLECTOR
Trust securities, see SECURITIES
Unidentified tax collections, disposition of
Credit and transfer of identified funds, 10.45
Deposit with Treasurer, 10.44
Escheat of funds unidentified for three years, 10.46
Separate account in General Fund, 10.44
Warrant or check to be presented within one year, 10.181

FINE ARTS
Generally, see ARTS AND CULTURE
Museums
Acceptance of gifts by, 2A.155.3
Accounts and reports, 2A.155.1
Grounds, 2A.155

FINGERPRINTING
Assistance programs
Cash Assistance Linked to Medi-Cal (CALM), 20.105.11
General Assistance Program, 20.56.14
Personal Assisted Employment Services (PAES) Program, 20.75.15
Supplemental Security Income Pending (SSIP), 20.205.15
Automated Identification Fund, 10.100-282
Civil Service Commission ,8.26
Fees, 8.26
Fingerprint Processing Fund, 10.100-174
Human services clients, fingerprint imaging prohibited, 20.30

FIRE DEPARTMENT
Auxiliary Reserve, emergency management, 7.11
Cash revolving funds, 10.144-5
Deputy Chief, 2A.93
Fire Marshal, 2A.94
Fire prevention, 2A.95
Fireboat operation, curtailment of, 2A.96
Generally, 2A.90
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Other Executives, 2A.93
Physician, 2A.91
Ranks in the department, 2A.92
Retirement, see RETIREMENT
Uniforms
Employment termination or change, 16.462
Finding, 16.450
Return of uniforms, 16.462
Supplied and owned by city, 16.450
Uniform supply records, 16.451

FIRE MARSHAL, 2A.94

FIREARMS
Cash revolving funds, reward program
Discharge at fire or peace officers, 10.174
Findings, 10.173
Ineligible Persons, 10.176
Payment, 10.177

FIRST SOURCE HIRING PROGRAM
Administration, 83.6
Application, 83.18
Collective bargaining agreements, 83.15
Contracts
Requirements for, 83.9
Violations, 83.10
Definitions, 83.4
Duties of city departments, 83.7
Exclusions, 83.14
Findings, 83.2
Limitations, 83.14
Limited to promotion of general welfare, 83.17
Operative date, 83.18
Permits for commercial and residential development
Requirements for, 83.11
Violations, 83.12

FIRST SOURCE HIRING PROGRAM (Cont'd)
Purpose, 83.3
Records, 83.13
Scope, 83.5
Severability, 83.16
Title, 83.1
Workforce Development Advisory Committee, 83.8

FISCAL RESPONSIBILITY AND FEASIBILITY
Applicability chapter 29, 29.1
Board of Supervisors
Determination, 29.2
Information to be submitted to, 29.3
Procedures for determination, 29.4
Environmental review application processing, 29.5
Information to be submitted to the Board of Supervisors, 29.3
On-going environmental review, 29.7
Procedures for determination, 29.4
Resubmittal of project, 29.6
Severability, 29.8

FLAG
Official flag designated, 1.3

FLEA MARKET
Administration, 9-B.4
Appeals, 9-B.9
Approved sales, 9-B.1
Authorized, 9-B.1
Expulsion, 9-B.8
Fees, 9-B.5
Finances for maintenance and operation, 9-B.2
Location, 9-B.3
Name, 9-B.2
Permission to sell, 9-B.7
Rules and regulations, 9-B.6

FLOWER
Official flower designated, 1.5

FOOD PRODUCTS
Acquisition of food by Sealer of Weights and Measures, 21.32
Agricultural regulations, see AGRICULTURE
Kosher food; records, 1.13-7
Prepackaged items, quality control, 1.13-6
Shell egg standards, enforcement of, 1.13-2

FOOD PRODUCTS (Cont'd)
Salad products processor inspection fees, 1.10-3
Weights and measures, see WEIGHTS AND MEASURES

FOREIGN TRADE ZONES
Public utilities, 2A.133

FRANCHISES
Acts at grantee's expense, 11.57
Cable system requirements
Applicability, 11.45
Consumer protection laws, 11.51
Customer service
Compliance with standards, 11.51
Requirements, 11.46
Emergencies, 11.52
Interconnection, 11.53
Public service announcements in the event of an emergency, 11.52
Rate regulation, 11.48
Renewal proposals, 11.15
Subscriber privacy, 11.49
Technical requirements, 11.47
Type of franchise, 11.50
City may perform work, 11.63
City reservation of rights, 11.54
Compliance with all applicable law, 11.55
Department of Telecommunications and Information Services/Telecommunications Commission
Cash revolving funds, 10.143
Commission meetings, 11.89
Commission powers and duties, 11.88
Definitions, 11.85
Establishment of Commission, 11.87
Establishment of Department, 11.86
Findings and purpose, 11.84
Eminent domain, 11.68
Fees
Acceptance of payment not a release, 11.25
Amount, 11.21
Disputes, 11.26
Failure to pay, 11.27
Grantee third party responsibility, 11.23
Owed by gas and electric grantees, 11.24
Payment, 11.22
Taxes, not in lieu of, 11.28

FRANCHISES
Fraud, 11.61
Indemnification, 11.66
Installation of city-owned communications facilities, 11.64
Insurance, 11.59
Liquidated damages, 11.56
Local office, 11.62
No recourse for grantee's damages, 11.58
No representations, 11.69
Order of precedence, 11.65
Permits and construction
Abandonment, 11.33
Compliance with laws, 11.29
Maps and plans, 11.30
Placement of facilities, 11.31
Removal, relocation, and work-around, 11.32
Procedure
Board authority to issue franchises, 11.2
Cable system renewal proposals, 11.15
Confidentiality of proprietary information, 11.20
Continued use after expiration, 11.7
Definitions, 11.1
Exceptions to franchise requirement, 11.4
Existing franchises, 11.6
Failure to obtain a franchise, 11.5
Filing of proposal, 11.10
Foreclosure/assignment for creditor's benefit/appointment of a receiver, 11.19
Franchise required, 11.3
Franchise revocation, 11.16
No exclusive franchises, 11.8
Proposal
Contents, 11.12
Fee, 11.11
Review procedure, 11.13
Removal of facilities, 11.18
Termination, 11.17
Transfer proposals, 11.14
Utility conditions permit, 11.9
Record review, retention, and access rights
Access to records, 11.38
Applicability, 11.37
Audit results, 11.41
Five year retention, 11.42

FRANCHISES (Cont'd)
Record review, retention, and access rights (Cont'd)
Franchise compliance report, 11.44
Inspection, 11.43
Proprietary documents, 11.40
Voluminous materials, 11.39
Remedies cumulative, 11.67
Reopener, 11.70
Reporting requirements
Documents due upon filing, 11.36
Financial reports, 11.34
Service provider list, 11.35
Security, 11.60
Severability, 11.72
Time is of the essence, 11.71
Violations of chapter, a franchise, or a utility conditions permit
Accrual of penalties and costs, 11.79
Administrative review, 11.81
Amount of administrative penalties, 11.77
Collection of penalties and costs, 11.80
Complaints of alleged violations, 11.74
Deposit of penalties, 11.82
Duty to identify potential violations, 11.73
Enforcement costs, 11.78
Finality of department's determination, 11.80
Notice imposing administrative penalties and enforcement costs, 11.76
Notice of violation, 11.75
Suspension of action on permit application, 11.83

FRAUD
Acquisition of commodities and services, false claims submission, 21.35
Assistance programs
Cash Assistance Linked to Medi-Cal (CALM), 20.118
General Assistance Program, 20.59.16
Personal Assisted Employment Services (PAES) Program, 20.87
Supplemental Security Income Pending (SSIP), 20.219
Real estate fraud prosecution recordation fee, 8.24-5

FRESH MEAT, App. 3

FUNDS
Achenbach gift, 2A.155.2
Administration of Special Funds, 10.100-1
Administrative Services
Convention Facilities Fund, 10.100-5
Mandatory Refuse Collection Service Fund, 10.100-7
Adopt-a-Tree Fund, 10.100-227
Airport Promotion and Event Fund, 10.100-18
Animals
Administrative Services Animal Care and Control Cash Revolving Fund, 10.169-7
Animal Care and Control Welfare Fund, 10.100-23
Animal Purchase and Exchange Fund, 10.100-247
Arts Commission
Market Street Art Maintenance Account, 10.100-28
Public Arts Fund, 10.100-30
Street Artist Fund, 10.100-32
Wall of Fame Fund, 10.100-125
Youth Arts Account, 10.100-34
Wall of Fame Fund, 10.100-125
Automated County Warrant System, 10.100-280
Automated Fingerprint Identification Fund, 10.100-282
Board of Supervisors Outreach Advertising Revenue Fund, 10.100-40
Building Inspection Fund, 10.100-45
"Cash Difference Fund" and "Overage Fund, 10.82
Cash Reserve Fund and supplemental appropriations, 10.02
Cash revolving funds, see CASH REVOLVING FUNDS
Child Care Planning and Advisory Fund, 10.100-367
Children and Families Trust Fund, 10.100-288
Chinatown Open Space Fund, 10.100-249
City Services Preservation Fund, 10.100-290
Community support fund, 10.100-95
Convention Facilities Fund, 10.100-5
Convention Promotion and Services Fund, 10.100-97
Counterfeit Moneys, 10.83
County Jail Prisoners Welfare Fund, 10.100-329

FUNDS (Cont'd)
County Surveyor's Survey Monument Preservation Fund, 10.100-50
Courthouse Children's Waiting Rooms Fund, 10.100-351
Courthouse Construction Fund, 10.100-353
Criminalistics Laboratory Fund, 10.100-170
Cultural Equity Endowment Fund
Commissions to individual artists, 68.5
Cultural Equity Initiatives Program, 68.4
Establishment of, 68.3
Facilities Fund, 68.7
Administration of, 68.8
Principles for, 68.2
Project grants to small and mid-size organizations, 68.6
Purposes, 68.1
Department awards funds, 10.100-292
Departmental budget estimates, 10.198
Deputies Training Fund, 10.100-327
Dispute Resolution Program Fund, 10.100-295
District Attorney
Environmental Prosecution Fund, 10.100-55
Family Support Bureau's Tax Intercept Program Revolving Fund, 10.100-57
State Forfeiture Fund, 10.100-60
Dolphin Club Fund, 10.100-251
Earthquake Emergency Relief Fund, 10.100-100
Emergencies
911 Emergency Response Fund, 10.100-67
Emergency Reserve Fund, 10.03
Medical Services Fund, 10.100-195
Mercy Fund, 10.100-102
Environmental Enforcement Fund, 10.100-198
Environmental Prosecution Fund, 10.100-55
Establishment, 10.80-1
Excavation Fund, 10.100-230
Excelsior Youth Center Fund, 10.100-104
Family Support Bureau's Tax Intercept Program Revolving Fund, 10.100-57
Film Production Fund, 10.100-297
Fine Arts Museums, gift acceptance, 2A.155.3
Fingerprint Processing Fund, 10.100-174
Fish and Game Propagation Fund, 10.100-253
Gas Tax Street Improvement Fund, 10.100-299
General Fund cost recovery
911 Emergency Response Fund, 10.100-67
Annual survey, 10.196

FUNDS (Cont'd)
General Fund cost recovery (Cont'd)
Chinatown Open Space Fund, 10.100-249
Controller
Duties, 10.195
Review, 10.199
Purposes, 10.194
General Hospital Trust Fund, 10.100-215
Gifts
Acceptance by the Fine Arts Museums, 2A.155.3
Achenbach gift, 2A.155.2
Gift Funds
Public Health Gift Funds, 10.100-201
San Francisco Gift Funds, 10.100-305
Golden Gate Pavilion Fund, 10.100-255
Graffiti
Neighborhood Beautification and Graffiti Clean-Up Fund, 10.100-114
Hall of Justice Gymnasium Fund, 10.100-176
Home Ownership Assistance Loan Fund, 10.100-108
Homeless, fund for, 10.100-106
Housing
Housing Affordability Fund, 10.100-110
Office of Housing Programs Fees Fund, 10.100-117
Supportive Housing Service Fund, 10.100-131
Human Resources Examination Research and Development Fund, 10.100-75
Laboratory Fund, 10.100-207
Human Services Care Fund, 10.100-77
Information and Publication Fund, 10.100-261
Laguna Honda Home Trust Fund, 10.100-209
Laguna Honda Home Workshop Fund, 10.100-211
Library
Construction Fund, 10.100-85
Special Collections and Services Fund, 10.100-88
Litter Control Fund, 10.100-233
Littering, Nuisance and Graffiti Violation Reward Fund, 10.100-234
Mandatory Refuse Collection Service Fund, 10.100-7
Market Street Art Maintenance Account, 10.100-28

FUNDS (Cont'd)
Mayor's office
Community support fund, 10.100-95
Convention Promotion and Services Fund, 10.100-97
Earthquake Emergency Relief Fund, 10.100-100
Emergency Mercy Fund, 10.100-102
Excelsior Youth Center Fund, 10.100-104
Fund for the Homeless, 10.100-106
Home Ownership Assistance Loan Fund, 10.100-108
Office of Housing Programs Fees Fund, 10.100-117
Neighborhood Beautification and Graffiti Clean-Up Fund, 10.100-114
Office of Housing Programs Fees Fund, 10.100-117
Performing Arts Loan Fund, 10.100-119
Protocol and Host Fund, 10.100-121
San Francisco Arts Wall of Fame Fund, 10.100-125
Sister-City Committee Fund, 10.100-127
Small Business Revolving Loan Fund, 10.100-129
Supportive Housing Service Fund, 10.100-131
Urban Development Action Grant Revolving Fund, 10.100-136
Voluntary Arts Contributions Fund, 10.100-138
Medical Examiner's Peace Officers' Training Fund, 10.100-150
Mercy Fund, 10.100-102
Monies in Treasury, 10.81
Monument Preservation Fund, 10.100-50
Municipal transportation
Capital Reserve Fund, 10.100-155
Improvement Fund, 10.100-157
Information Fund, 10.100-159
Operators Lounge Facilities Fund, 10.100-162
Para Transit Fund, 10.100-164
Museums Admission Special Revenue Fund, 10.100-307
Narcotics Forfeiture and Asset Seizure Fund, 10.100-310
Neighborhood Beautification and Graffiti Clean-Up Fund, 10.100-114

FUNDS (Cont'd)
Nuisance Abatement and Removal Fund, 10.100-236
Octavia Boulevard Special Fund, 10-100.369
Office of Housing Programs Fees Fund, 10.100-117
Peace Officer Standards and Training funds, 10.87
Performing Arts Loan Fund, 10.100-119
Personal property
Deposits of proceeds of sale of City/County-owned personal property, sale of vintage transit equipment, 10.84
Planning Code Enforcement Fund, 10.100-166
Police
Criminalistics Laboratory Fund, 10.100-170
Fingerprint Processing Fund, 10.100-174
Hall of Justice Gymnasium Fund, 10.100-176
Officers' Training Fund, 10.100-180
Project Safe Fund, 10.100-182
Vehicle Theft Crimes Fund, 10.100-185
Political behavior regulated, App. 65
Project Safe Fund, 10.100-182
Protocol and Host Fund, 10.100-121
Public Arts Fund, 10.100-30
Public Education Special Fund, 10.100-368
Public Health
Emergency Medical Services Fund, 10.100-195
Environmental Enforcement Fund, 10.100-198
Gift Funds, 10.100-201
Laboratory Fund, 10.100-207
Laguna Honda Home Trust Fund, 10.100-209
Laguna Honda Home Workshop Fund, 10.100-211
San Francisco General Hospital Trust Fund, 10.100-215
Substance Abuse and Crime Prevention Act Trust Fund, 10.100-221
Tobacco
Settlement Revenue Fund, 10.100-218
Payment of certain medical services claims from funds obtained through the cigarette and tobacco surtax initiative, 10.86

FUNDS (Cont'd)
Public Works
Adopt-a-Tree Fund, 10.100-227
Excavation Fund, 10.100-230
Litter Control Fund, 10.100-233
Littering, Nuisance and Graffiti Violation Reward Fund, 10.100-234
Nuisance Abatement and Removal Fund, 10.100-236
Street Damage Restoration Fund, 10.100-239
Purpose, 10.80-1
Records and publications
Library Publication Fund, 8.21-1
Municipal Railway Video Production Fund, 8.29
Recorder's
Access and Indexing Fund, 8.24-4
Fund, 8.24-1
Modernization Fund, 8.24-2
Recreation and Parks
Animal Purchase and Exchange Fund, 10.100-247
Chinatown Open Space Fund, 10.100-249
Dolphin Club Fund, 10.100-251
Fish and Game Propagation Fund, 10.100-253
Golden Gate Pavilion Fund, 10.100-255
Golf Fund, 10.100-256
Information and Publication Fund, 10.100-261
Rent Escrow Account Program (REAP) and funds, see RENT REGULATIONS
Residential Rent Stabilization and Arbitration Fund, 10.100-270
Seismic Safety Loan Fund, 10.100-315
Securities in Treasury, 10.81
Sheriff's office
County Jail Prisoners Welfare Fund, 10.100-329
Deputies Training Fund, 10.100-327
Special Maintenance Fund, 10.100-331
Sister-City Committee Fund, 10.100-127
Small Business Revolving Loan Fund, 10.100-129
Special Maintenance Fund, 10.100-331
State Forfeiture Fund, 10.100-60
Status of Women Domestic Violence Program Fund, 10.100-336
Street Artist Fund, 10.100-32
Street Damage Restoration Fund, 10.100-239

FUNDS (Cont'd)
Substance Abuse and Crime Prevention Act Trust Fund, 10.100-221
Supportive Housing Service Fund, 10.100-131
Survey Monument Preservation Fund, 10.100-50
Telecommunications and Information Services Cable Television Access Development and Programming Fund, 10.100-341
Tobacco
Payment of certain medical services, 10.86
Settlement Revenue Fund, 10.100-218
Treasurer's Deferred Payment of Settlement Trust Fund, 10.100-346
Treasurer's Working Families Credit Fund, 10.100-347
Treasury Oversight Committee
Composition, 10.80-3
Costs, 10.80-5
Duties, 10.80-2
Establishment, 10.80-1
Purpose, 10.80-1
Term of Office, 10.80-4
Trial Courts
Courthouse Children's Waiting Rooms Fund, 10.100-351
Courthouse Construction Fund, 10.100-353
Urban Development Action Grant Revolving Fund, 10.100-136
Vehicle Theft Crimes Fund, 10.100-185
Veterans' Administration; liability of City, 10.85
Vital and Health Statistics Trust Fund, 10.100-320
Voluntary Arts Contributions Fund, 10.100-138
Wall of Fame Fund, 10.100-125
War Memorial
Maintenance and Capital Improvement Fund, 10.100-357
Reserve Fund, 10.100-359
Special Fund, 10.100-361
Water Department Revenue Fund, 10.100-366
Working Families Credit Fund, 10.100-347
Youth Arts Account, 10.100-34

— G —

GARAGE CORPORATIONS, App. 7

GARBAGE (See WASTE MATERIALS)

GAS TAX STREET IMPROVEMENT FUND, 10.84

GAYS
Domestic partnerships, see DOMESTIC PARTNERSHIPS
Youth services sensitivity training, see MINORS

GEARY BOULEVARD/DIVISADERO STREET SPECIAL USE DISTRICT, App. 23

GENERAL ASSISTANCE (See ASSISTANCE PROGRAMS)
Payments, App. 29
Program, App. 24

GENERAL FUND (See FUNDS)

GENERAL HOSPITAL (See HOSPITALS)

GENERAL PROVISIONS
Annual reports, 1.56
Catch lines of sections, 1.2
City store, merchandise, profits, 1.48
Code
Citation, 1.1
Designation, 1.1
Corporate seal, 1.6
Eminent domain proceedings brought by United States, disclaimers, 1.7
Fees, payment by the Public Administrator to the County Clerk, 1.22
Hold harmless agreements, 1.24
Officers of the City and County, 1.50
Official symbols designated
Ballad, 1.5-1
Colors, 1.5-2
Flag, 1.3
Flower, 1.5
Key, 1.6-1
Song, 1.5-1
Procedure by general law or ordinance, 1.51
Voting requirements for members of bodies created by legislative action, 1.29
Weights and measures, see WEIGHTS AND MEASURES

GEOGRAPHIC INFORMATION SYSTEM
Data license agreements; ratification of prior fees, 8.40

GIFTS
Acceptance by the Fine Arts Museums, 2A.155.3
Achenbach gift, 2A.155.2
Gift Funds
Public Health Gift Funds, 10.100-201
San Francisco Gift Funds, 10.100-305

GOLDEN GATE
Park Revitalization Act of 1988, App. 41
Pavilion Special Fund, 10.100-255

GOLF FUNDS
Recreation and Parks Golf Fund, 10.100-256

GOVERNMENTAL BUSINESS, App. 38

GRAFFITI, App. 19
Graffiti Advisory Board
Compensation, 5.174
Established, 5.170
Organization, 5.171
Purpose and duties, 5.172
Staffing for the Graffiti Task Force, 5.173
Littering, Nuisance and Graffiti Violation Reward Fund, 10.100-234
Neighborhood Beautification and Graffiti Clean-Up Fund, 10.100-114

GRAHAM CIVIC AUDITORIUM (See CIVIC AUDITORIUM)

GRAND JURY (See JURIES)

GRANTS
Cash revolving funds
Acceptance and expenditure, 10.170-1
Accounting, 10.170-2
Application procedure, 10.170
Duties of Controller, officers, boards or commissions, 10.170-2
Limitations upon expenditure, 10.170-2.5
Cultural Equity Endowment Fund
Commissions to individual artists, 68.5
Cultural Equity Initiatives Program, 68.4
Establishment of, 68.3

GRANTS (Cont'd)
Cultural Equity Endowment Fund (Cont'd)
Facilities Fund
Administration of, 68.8
Generally, 68.7
Principles for, 68.2
Project grants to small and mid-size organizations, 68.6
Purposes, 68.1
Political activity by recipients of city contracts, grants, and loans
Audits, 12G.2
Penalties, 12G.4
Prohibition, 12G.1
Rules and regulations, 12G.3

GRIEVANCES, 16.218

GUARDIAN, PUBLIC (See PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN)

— H —

HALL OF JUSTICE
Naming for Thomas J. Cahill, 4.22

HALLIDIE PLAZA
Permits, 1.58

HANDICAP (See DISABILITY)

HARDSHIP
Local Rent Supplement Program in the Office of Mayor, hardship cases, 24A.14
Residential rehabilitation loans, see RESIDENTIAL REHABILITATION LOAN PROGRAM

HAZARDOUS MATERIALS
Contracts with public utilities for removal, 1.30
Lead hazard remediation, relocation assistance
Conditions for relocation assistance, 72.3
Definitions, 72.2
Enforcement, 72.7
Intent, 72.1
Payment extension, 72.4
Penalty, 72.6

HAZARDOUS MATERIALS (Cont'd)
Lead hazard remediation, relocation assistance (Cont'd)
Purpose, 72.1
Rent increases during lead hazard work, 72.5
Violation, 72.6

HEALTH (See also SOCIAL SERVICES)
Adult Day Health Care Planning Council
Appointment, 44.1
Compensation, 44.6
Composition, 44.3
County plan development assistance, 44.8
Establishment, 44.1
Power and duties, 44.7
President, 44.5
Public hearing, 44.2
Terms of members, 44.4
Vice President, 44.5
AIDS Information and education
Generally, 15.21
Policy, 15.20
Responsibility of Director of Health, 15.22
Authority
Establishment, 69.1
Governing body, 69.4
Insurance required, 69.5
Powers, 69.3
Purpose, 69.2
Responsibilities, 69.3
When constituted, 69.6
Cafeteria plan
Administration by the Department of Human Resources, 16.902
Cafeteria Plan benefits, 16.905
Establishment of, 16.900
Health system membership of former supervisors, 16.906
No cost to city and county, 16.903
Purpose, 16.901
Voluntary employee benefits, 16.904
Cash revolving funds or accounts, Department of Public Health
Community Mental Health Services
Vocational Rehabilitation Revolving Fund, 10.154-1

HEALTH (Cont'd)
Cash revolving funds or accounts, Department of Public Health (Cont'd)
Generally, 10.154
Contracts, see Public health contracts, this heading
Department of Public Health, see DEPARTMENT OF PUBLIC HEALTH
Drug abuse advisory board, 15.17
Earthquake safety and retrofit, see EARTHQUAKES
Funds, Department of Public Health
Emergency Medical Services Fund, 10.100-195
Environmental Enforcement Fund, 10.100-198
Gift Funds, 10.100-201
Laboratory Fund, 10.100-207
Laguna Honda Home Trust Fund, 10.100-209
Laguna Honda Home Workshop Fund, 10.100-211
San Francisco General Hospital Trust Fund, 10.100-215
Tobacco
Settlement Revenue Fund, 10.100-218
Payment of certain medical services claims from funds obtained through the cigarette and tobacco surtax initiative, 10.86
Hazardous materials
Abatement work, contracts, 6.63
Contracts with public utilities for removal of, 1.30
Lead hazard remediation, relocation assistance for
Conditions for, 72.3
Definitions, 72.2
Enforcement, 72.7
Intent, 72.1
Payment extension, 72.4
Penalty, 72.6
Purpose, 72.1
Rent increases during lead hazard work, 72.5
Violation, 72.6
Pesticides and Pest Management Program, see PEST CONTROL

HEALTH (Cont'd)
Health Authority
Establishment, 69.1
Governing body, 69.4
Insurance required, 69.5
Powers, 69.3
Purpose, 69.2
Responsibilities, 69.3
When constituted, 69.6
Health care accountability
Administration, 12Q.5
Components, 12Q.3
Contractual obligations, 12Q.4
Definitions, 12Q.2 through 12Q.2.21
Effective date, 12Q.9
Enforcement, 12Q.5
Special waiver by the Public Utilities Commission, 12Q.7
Preemption, 12Q.8
Severability, 12Q.11
Suspension period, 12Q.10
Title, 12Q.1
Waivers by the agency director, 12Q.6
Health Care Community Service, App. 17
Healthcare impact reports
Consideration, 97.3
Cost, 97.4
Definitions, 97.2
Findings. 97.1
Preparation, 97.3
Purpose, 97.1
Health contracts, see Public health contracts, this heading
Health Service System
Eligibility for employer contributions, 16.701
Health Service Board
Composition, 16.702
Trustees election, see ELECTIONS
Participation, 16.700
Plan and contribution rates, 16.703
Hospitals, see HOSPITALS
In-Home Supportive Services Public Authority
Annual report and plan, 70.5
Disclaimers, 70.9
Fiscal provisions, 70.4
Membership of governing body, 70.2
Minimum compensation, 70.11

HEALTH (Cont'd)
In-Home Supportive Services Public Authority (Cont'd)
Powers, 70.3
Enumeration of, 70.8
Purpose, 70.1
Severability, 70.10
Termination, 70.7
Transition of functions, 70.6
Mental health generally, see MENTAL HEALTH SERVICES
Pesticides and pests, see PEST CONTROL
Public health contracts
Alcoholism programs, 15.18
California Department of Public Health, 19A.5
Emergency Medical Service Communications Center use, 15.103
San Francisco General Hospital gift shop and other facilities, 15.101
University Health Systems Consortium, membership in, 15.104
Volunteers for medical services, 15.102
Public Health Laboratory Fund, 10.100-207
Seismic safety and retrofit, see EARTHQUAKES
Vital and Health Statistics Trust Fund, 10.100-320

HETCH HETCHY
Cash revolving funds for project, 10.145
Public utilities, Hetch Hetchy project, 2A.131
Retirement, prior service credit for employees on Hetch Hetchy project, 16.43-1

HIRING
Local hiring preferences, 6.4

HISTORICAL PROPERTY
Mills Act contract procedures
Application for historical property contract, 71.3
Approval process, 71.4
Fees, 71.6
Purpose, 71.1
Qualified historic property, 71.2
Terms of the historical property contract, 71.5

HIV (See generally AIDS)

HOLD HARMLESS AGREEMENTS, 1.24

HOME DETENTION PROGRAM, 13.63

HOME-OWNERSHIP ASSISTANCE PROGRAM (See HOUSING)

HOMELESS PERSONS (See INDIGENT PERSONS or SURPLUS CITY PROPERTY ORDINANCE or HOUSING)

HOMOSEXUALS
- Domestic partnerships, see DOMESTIC PARTNERSHIPS
- Youth services sensitivity training, see MINORS

HOSPITALS
- Healthcare impact reports, see HEALTH
- Laguna Honda Hospital
  - Authorizing store in, 4.15-1
  - Cash revolving funds, 10.147
- Public health contracts, see HEALTH
- San Francisco General Hospital
  - Cash revolving funds, 10.163
  - Space for gift shop and other facilities, 15.101
  - Trust Fund, 10.100-215
  - Vending machines in, 4.9

HOTELS
- Hotel tax surcharge, App. 45
- Labor representation in certain hotel and restaurant developments, see LABOR RELATIONS
- Residential hotel unit conversion and demolition
  - Administration, 41.11
  - Annual
    - Review of residential hotel status, 41.21
    - Unit usage report, 41.10
  - Applicability of chapter, 41.5
  - Construction, 41.22
  - Definitions, 41.4
  - Demolition, 41.18
  - Exemptions, applicability of chapter, 41.7
  - Findings, 41.3

HOTELS (Cont'd)
- Residential hotel unit conversion and demolition (Cont'd)
  - Initial status determination, 41.6
  - Nonprofit organizations, requirements, 41.8
  - Occupancy, temporary change of, 41.19
  - One-for-one replacement, 41.13
  - Permanent residents, rights of, 41.17
  - Permit to convert
    - Appeal of denial or approval of, 41.16
    - Approval of, 41.15
    - Generally, 41.12
    - Issuance of, 41.15
    - Mandatory denial of, 41.14
  - Purpose, 41.2
  - Records of use, 41.9
  - Temporary change of occupancy, 41.19
  - Title, 41.1
  - Unlawful conversion, remedies, fines, 41.20
- Tourist hotel conversion
  - Conversions prohibited, 41F.3
  - Definitions, 41F.2
  - Enforcement, 41F.4
  - Severability, 41F.6
  - Sunset provision, 41F.5
  - Title, 41F.1

HOUSING
- Affordable Housing and Home Ownership Bond Program
  - Housing account, 43.3.3
  - Issuance of bonds, 43.3.2
  - Mayor's Office of Housing, 43.3.5
  - Proposed use of bond proceeds, 43.3.4
  - Purpose, 43.3.1
  - Regulations, 43.3.6
  - Reports to the Board of Supervisors, 43.3.7
- Apartment unit conversion and demolition
  - Administrative penalties, procedures for determining and appealing, 41A.8
  - Construction, 41A.7
  - Definitions, 41A.4
  - Findings, 41A.3
  - Purpose, 41A.2
  - Report on apartment conversion, 41A.6
  - Title, 41A.1
  - Unlawful conversion; remedies, 41A.5

HOUSING (Cont'd)
Assistance programs
Cash Assistance Linked to Medi-Cal (CALM), 20.106.2
General Assistance Program, 20.57.1
Local Rent Supplement Program in the Office of Mayor, see RENT REGULATIONS
Personal Assisted Employment Services (PAES) Program, 20.76.3
Residential rehabilitation, see RESIDENTIAL REHABILITATION LOAN PROGRAM
Supplemental Security Income Pending (SSIP), 20.206.3
Assisted housing preservation
Administrative relief, 60.10
Civil
Actions, 60.11
Penalties, 60.12
Definitions, 60.4
Expiration of rent subsidy contracts, disclosure, 60.9
Findings, 60.3
Prepayment and/or termination
Notice of intent, 60.5
Public Hearing on proposed, 60.6
Purposes, 60.2
Relocation benefits for displacement due to conversion, 60.7
Right to receive offer for purchase of assisted housing development, 60.8
Rules and regulations, 60.13
Severability, 60.14
Title, 60.1
Development agreements, see PLANNING AND DEVELOPMENT
Earthquake safety and retrofit, see EARTHQUAKES
Emergency shelter for the homeless
Definitions, 20.41
Findings, 20.40
Limitation of liability, 20.44
No displacement based on income, 20.43
Preservation of emergency nature of shelter, 20.42
Severability., 20.45

HOUSING (Cont'd)
Historical property, see HISTORICAL PROPERTY
Home Ownership Assistance Loan Fund, 10.100-108
Homeless people
Emergency shelter for the homeless
Definitions, 20.41
Findings, 20.40
Limitation of liability, 20.44
No displacement based on income, 20.43
Preservation of emergency nature of shelter, 20.42
Severability., 20.45
Shelter Monitoring Committee
Attendance requirement, 20.308
Committee report; initial, 20.311
Definitions, 20.301
Duties, 20.304
Establishment, 20.302
Findings, 20.300
Limitation of liability, 20.309
Local Homeless Coordinating Board coordination, 20.312
Meetings, 20.307
Membership, 20.305
Organization, 20.305
Powers, 20.304
Purpose, 20.303
Severability, 20.310
Terms of office, 20.306
Mayor's Fund for, 10.100-106
Housing Authority
Appointment of Commissioners of Housing Authority, 12.2
Findings of Board of Supervisors, 12.1
Redevelopment project, survey prior to approval of, 24.2
Housing Code Enforcement Loan Program
Administration of program
Bond proceeds, management of, 40.11
Inspection of buildings in Neighborhood Strategy Areas, 40.9
Notice of defaults and foreclosures, 40.13

HOUSING (Cont'd)
Housing Code Enforcement Loan Program (Cont'd)
Administration of program (Cont'd)
Objective selection criteria for systematic enforcement of rehabilitation standards, 40.8
Recommendation of fees, charges, and interest rates on financing, 40.12
Responsibility for, 40.7
Rules and regulations, 40.10
Board of Supervisors, responsibilities
Approval of fees, charges and interest rates on financing, 40.5
Issuance of bonds, 40.4
Revision of loan charges, 40.6
Construction of chapter, 40.33
Conversions, limitations on, 40.29
Definitions, 40.2
Effect of chapter, 40.33
Financing limitations
Limitation based on fair market value of work, 40.19
Maximum
Amount of loan, 40.18
Indebtedness on property, 40.17
Loan Committee
Functions, 40.15
Membership, 40.14
Loan terms
Enforcement of loan provisions, 40.28
Equal employment opportunity, 40.27
Impound account, 40.22
Initiation of payments after rehabilitation, 40.20
Interest rates and other charges, 40.24
Maximum repayment period, 40.20
Open housing, 40.26
Rent for re-occupied units, 40.25
Right of first refusal, 40.25
Security for loan, 40.21
Tenant moving costs, 40.25
Transfer of loans, 40.23
Private cause of action, 40.31
Purpose, 40.1
References to public officials and public agencies, 40.3

HOUSING (Cont'd)
Housing Code Enforcement Loan Program (Cont'd)
Rehabilitation financing, eligibility for loan, 40.16
Relocation assistance, 40.30
Review, 40.32
Severability, 40.34
Housing funds
Affordability Fund, 10.100-110
Programs Fees Fund, 10.100-117
In-Home Supportive Services Public Authority, see HEALTH
Lead hazard remediation, relocation assistance
Conditions for relocation assistance, 72.3
Definitions, 72.2
Enforcement, 72.7
Extensions to payment of relocation assistance, 72.4
Intent, 72.1
Penalty, 72.6
Purpose, 72.1
Rent increases during lead hazard work, 72.5
Violation, 72.6
Local Rent Supplement Program in the Office of Mayor, see RENT REGULATIONS
Mortgage, see Residential Mortgage Revenue Bond Law, this heading
Rent regulations, see RENT REGULATIONS
Residential hotel unit conversion and demolition
Administration, 41.11
Annual
Review of residential hotel status, 41.21
Unit usage report, 41.10
Applicability of chapter, 41.5
Construction, 41.22
Definitions, 41.4
Demolition, 41.18
Exemptions, applicability of chapter, 41.7
Findings, 41.3
Initial status determination, 41.6
Nonprofit organizations, requirements, 41.8
Occupancy, temporary change of, 41.19
One-for-one replacement, 41.13
Permanent residents, rights of, 41.17

HOUSING (Cont'd)
Residential hotel unit conversion and demolition (Cont'd)
Permit to convert
Appeal of denial or approval of, 41.16
Approval of, 41.15
Generally, 41.12
Issuance of, 41.15
Mandatory denial of, 41.14
Purpose, 41.2
Records of use, 41.9
Temporary change of occupancy, 41.19
Title, 41.1
Unlawful conversion, remedies, fines, 41.20
Residential rehabilitation, see RESIDENTIAL REHABILITATION LOAN PROGRAM
Seismic safety and retrofit, see EARTHQUAKES
Shelter for the homeless
Definitions, 20.41
Findings, 20.40
Limitation of liability, 20.44
No displacement based on income, 20.43
Preservation of emergency nature of shelter, 20.42
Severability., 20.45
Shelter Monitoring Committee
Attendance requirement, 20.308
Committee report; initial, 20.311
Definitions, 20.301
Duties, 20.304
Establishment, 20.302
Findings, 20.300
Limitation of liability, 20.309
Local Homeless Coordinating Board coordination, 20.312
Meetings, 20.307
Membership, 20.305
Organization, 20.305
Powers, 20.304
Purpose, 20.303
Severability, 20.310
Terms of office, 20.306
Time-share conversion ordinance
Conversions prohibited, 41C.4
Definitions, 41C.3
Enforcement, 41C.5
Findings, 41C.2

HOUSING (Cont'd)
Time-share conversion ordinance (Cont'd)
Review of ordinance, 41C.6
Severability, 41C.7
Title, 41C.1

HUMAN RESOURCES
Cash revolving funds
Generally, 10.145-2
Workers compensation program, 10.145-1
Personnel generally, see OFFICERS AND EMPLOYEES
Workers' Compensation Council, 16.121-4

HUMAN RIGHTS COMMISSION
Advisory Council, 12A.6
Appointment, 12A.4
Cash revolving funds, 10.169-17
Complaints, adjustment and settlement of, 12A.9
Contracts and employment practices, 12B.3
Cooperation with other communities, 12A.7
Data, 12A.12
Declaration of policy, 12A.2
Disadvantaged business enterprise program, 14A.5
Discrimination in contracting, see DISCRIMINATION
Domestic partner inquiry requirement for city forms, 12A.17
Establishment, 12A.4
Executive Secretary, 12A.4
Findings, 12A.1
Individual remedies, 12A.13
Meetings public, 12A.16
Minority/women/local business utilization, powers and duties, 12D.6, 12D.A.6
Powers and duties, 12A.5
Property contracts, authority, 12C.4
Public meetings, 12A.16
Repeal, 12A.14
Reports, 12A.11
Rules and regulations, 12A.10
Scope of ordinance, 12A.3
Severability, 12A.15
Special committees, 12A.6
Terms, 12A.4
Unfair neighborhood practices, 12A.8

HUMAN SERVICES CARE FUND, 10.100-77

HUMAN SERVICES COMMISSION
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Social services, see SOCIAL SERVICES

— I —

IDENTIFICATION CARDS
From other countries accepted, 95.1

IMMIGRANTS
Immigrant Rights Commission, 5.201
Immigration status, assisting authorities restricted
Chapter inapplicable to persons convicted of certain crimes, 12H.2-1
City and County of refuge, 12H.1
City undertaking limited, 12H.5
Clerk of Board to transmit copies of this chapter, 12H.3
Enforcement, 12H.4
Informing city employees, 12H.3
Severability, 12H.6
Use of city funds prohibited, 12H.2

IMPACT DEVELOPMENT FEES, TRANSIT (See TRANSPORTATION)

IMPROVEMENTS
Bonded indebtedness for, procedure
Airport revenue bonds, 2.62
Election, time of passage of ordinance, 2.34
Initiative petitions, inapplicability to, 2.35
Limitations on bonded indebtedness, 2.60
Proposal
Capital Improvement Advisory Committee, submission to, 2.30-1
Form of resolution, 2.31
Introduction to Board and referral to committee, 2.31
Voters, submission to, 2.30
Resolution
Referral to Controller, 2.33
Statement to voters, 2.33
Time of adoption before election, 2.34

IMPROVEMENTS (Cont'd)
Capital improvements
Capital Planning Committee, 3.21
Expenditure plan, 3.20
General plan referrals, 2A.52
Contract procedures, see CONTRACT PROCEDURE
Residential rehabilitation, see RESIDENTIAL REHABILITATION LOAN PROGRAM
Street lighting
Cost of
Facilities in work done by city for street improvements, 25.4
Underground facilities in new streets and new subdivisions, 25.3
Inclusion of street lighting in plans for street openings and improvements, 25.2
Underground facilities to be shown on plans for new streets, subdivisions, 25.1
Utilities Commission to determine street lighting specifications, 25.6
When facilities become city and county property, 25.5

IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY
Annual report and plan, 70.5
Disclaimers, 70.9
Fiscal provisions, 70.4
Membership of governing body, 70.2
Minimum compensation, 70.11
Powers
Generally, 70.3
Enumeration of, 70.8
Purpose, 70.1
Severability, 70.10
Termination, 70.7
Transition of functions, 70.6

INCARCERATION (See JAILS AND PRISONERS)

INDIGENT PERSONS
Adjusting services and payments to, App. 63
Assistance programs, see ASSISTANCE PROGRAMS
Emergency shelters, see HOUSING
Mayor's Fund for the Homeless, 10.100-106
Mental health services for indigent and uninsured, 15.23

INDUSTRIAL DEVELOPMENT AUTHORITY
Adoption of resolution and motions by majority vote, 42.15
Attorney, 42.11
Chairperson
Duties, 42.20
Generally, 42.6
Created under state law, 42.1
Definitions, 42.2
Governing body, name, 42.3
Limitations of authority, 42.8
Manner of action by authority, 42.13
Oath of office, 42.12
Oaths and affirmations, administration of, 42.19
Officers, employees and agents, 42.9
Organizational meeting, 42.7
Powers, 42.8
Quarterly reports to Board of Supervisors, 42.22
Quorum, 42.14
Rules, establishment of, 42.18
Secretary
Duties, 42.21
Generally, 42.10
Selection of Board, 42.4
Signing of resolutions, attestation, 42.17
Terms of office, 42.5
Vote of ayes and noes, entry upon minutes, 42.16

INFANTS (See MINORS)

INFORMATION TECHNOLOGY (See also TELECOMMUNICATIONS
Committee on Information Technology, 3.24
Software licenses, support, escrow, finance, and equipment maintenance agreements, 21.30

[The next page is number 63.]

INSTITUTIONAL POLICE DEPARTMENT
Transfer from Department of Public Health to Sheriff, 1.59

INSURANCE (See RISK MANAGEMENT PROGRAM)

INTERDEPARTMENTAL TRANSFERS (See REAL PROPERTY)

INTERIM CODES
Legislative drafts of building and other technical codes, 67.33

INTERNET ACCESS
Appropriation requests based on loss of state or federal funding, 22C.4
Definitions, 22C.2
Filtering software prohibited, 22C.3
Findings, 22C.1
Loss of state or federal funding, 22C.4
Purpose, 22C.1

INTERNSHIPS
Duties of interns, 16.9-21
Hold harmless clause, 16.9-22

— J —

JAILS AND PRISONERS
Advisory Committee on Adult Detention
Annual Inspection of adult detention facilities, 13.75
Advisory Committee on Adult Detention
Annual report, 13.74
Authority of Board of Supervisors, 13.70
Compensation, 13.73
Members, 13.71
Term of office, 13.72
County jail prisoners, acceptance of gifts therefor; special fund created, 10.100-329
Home detention program, 13.63
Incarceration
Annual determination of average per-day costs of, 10.39-3

JAILS AND PRISONERS (Cont'd)
Incarceration (Cont'd)
Director of Adult Probation Department to recover costs, 10.39-2
Jail cost reimbursement, App. 9
Labor by inmates of county jail, 13.4
Prison made articles prohibited in city contracts
Acquisition of commodities and services, exception, 21.31
Generally; exception, 6.22
Probation, see PROBATION
Sheriff's stores in county jails
Establishment, 13.8
Keeping of accounts, 13.12
Purchase and sale of goods authorized, 13.8
Rules for conduct and maintenance, 13.13
Work furlough of county jail prisoners
Home detention program, 13.63
Work Furlough Administrator
Agreements, 13.62
Generally, 13.61
Work Furlough Program, findings, 13.60

JURIES
Board of Supervisor meetings, reports submitted by civil grand jury, 2.10
Grand juror fees, 45.2
Title fees, 45.1
Trial juror fees, 45.3

JUVENILES
Generally, see MINORS
Juvenile Court
Dependent children responsibility, 20.8
Juvenile Probation Department
Cash revolving funds, 10.146
Language services other than English, see EQUAL ACCESS TO SERVICES
Records and publications, fees
Restitution collection fee, 8.36
Stepparent adoptions, 8.36-1
Restitution collection fee, 8.36
Stepparent adoptions, 8.36-1

— K —

KEY
Official key designated, 1.6-1

KOSHER FOODS
Records, 1.13-7

— L —

LABOR RELATIONS
Administrative Law Judges, use of, 16.205
Assistance programs and labor disputes
Cash Assistance Linked to Medi-Cal (CALM), 20.105.2
General Assistance Program, 20.56.7
Personal Assisted Employment Services (PAES) Program, 20.75.17
Supplemental Security Income Pending (SSIP), 20.205.17
Civil Service Commission, powers and duties, 16.204
Confidential employees, designation of, 16.208
Decertification, 16.212
Definitions, 16.202
Dues deduction, 16.220
Employee organizations
Recognition of, 16.211
Registration of, 16.209
Employee Relations Division, 16.203
Employee rights, 16.207
Good faith, meeting and conferring in, 16.215
Grievances, 16.218
Impasse procedures, 16.216
Labor representation procedures in hotel and restaurant developments in which the City has ongoing proprietary interests
Application, 23.55
Declarations, 23.50
Definitions, 23.51
Effective date, 23.55
Enforcement, 23.54
Exemptions, 23.53
Findings, 23.50
Policy, requirements, and procedures to minimize labor/management conflict, 23.52
Scope, 23.53
Severability, 23.56
Management
Employees, designation of, 16.208
Rights, 16.206

LABOR RELATIONS (Cont'd)
Meeting
And conferring in good faith, 16.215
On city and county time, 16.219
Memorandums of understanding, disputes concerning, 16.217
Purpose, 16.201
Representation units establishment, 16.210
Separability, 16.222
Supervisory employees, designation of, 16.208
Title, 16.200
Unfair labor practices
Generally, 16.213
Sanctions, 16.214

LAGUNA HONDA HOSPITAL
Authorizing store in, 4.15-1
Cash revolving funds, 10.147

LAND USE
Community redevelopment, see COMMUNITY REDEVELOPMENT
Development agreements
Agreement
Contents of, 56.7
Form of, 56.5
Signatories to, 56.6
Amendment
By mutual consent, 56.15
Generally, 56.18
Recordation, 56.16
Applicability, 56.2
Collateral agreements, 56.11
Decision by Board of Supervisors, 56.14
Definitions, 56.3
Determination by Commission, 56.13
Fee, 56.20
Filing of application, 56.4
Findings, 56.1
Forms, 56.4
Hearings, rules governing conduct of, 56.9
Initial notice and hearing, 56.4
Irregularity in proceedings, 56.12
Limitation on actions, 56.19
Negotiation report and documents, 56.10
Notice, 56.8

LAND USE (Cont'd)
Development agreements (Cont'd)
Periodic review, 56.17
Purpose, 56.2
Termination
By mutual consent, 56.15
Generally, 56.18
Recordation, 56.16
Earthquake safety and retrofit, see EARTHQUAKES
Economic Development, see ECONOMIC DEVELOPMENT
Environmental quality and environmental impact, see ENVIRONMENTAL REGULATIONS
Housing, see HOUSING
Industrial development, see INDUSTRIAL DEVELOPMENT AUTHORITY
Real estate transactions, see REAL PROPERTY
Seismic safety and retrofit, see EARTHQUAKES
Subdivisions, see SUBDIVISIONS
Transit impact development fees, see TRANSPORTATION
Water use limitations for landscaping in new developments and landscaping renovations
Applicability, 63.1
Application approval for new service, 63.8
Definitions, 63.2
Inspection, 63.7
Irrigation plan submission, 63.3
Irrigation system design and use, 63.5
Landscaping plan submission, 63.3
Maintenance schedule, 63.6
Planting design restrictions, 63.4
Purpose, 63.1
Severability, 63.9
Soil analysis report submission, 63.3
Water department fees, 63.10
Waterfront land use
Amendment, 61.9
Chaptering of this ordinance, 61.10
Definitions, 61.6
Findings, 61.1
Implementation, 61.7
Land use planning process, 61.2
Maritime land uses, 61.3

LAND USE (Cont'd)
Waterfront land use (Cont'd)
Policy, 61.1
Repeal, 61.9
Severability, 61.8
Unacceptable, 61.5
Zoning reclassifications, conditional use permits, variances
Notification to Assessor
Conditional use
Appeal to Board of Supervisors, 34.3
Authorized by City Planning Commission, 34.2
Variance
Appeal to Board of Appeals, 34.5
Granted by Zoning Administrator, 34.4
Zoning reclassification enacted by Board of Supervisors, 34.1

LANDSCAPING
Water use limitations for landscaping in new developments and landscaping renovations
Applicability, 63.1
Application approval for new water service, 63.8
Definitions, 63.2
Inspection, 63.7
Irrigation plan submission, 63.3
Irrigation system design and use, 63.5
Landscaping plan submission, 63.3
Maintenance schedule, 63.6
Planting design restrictions, 63.4
Purpose, 63.1
Severability, 63.9
Soil analysis report submission, 63.3
Water department fees, 63.10

LANGUAGE SERVICES
Languages other than English, see EQUAL ACCESS TO SERVICES

LAW BOOKS
Disposal of obsolete law books, 8.8

LAW ENFORCEMENT
Alameda County Police Information Network System, 1.36
Auxiliary Police Reserve, emergency management, 7.10
Booking fee; sheriff and police departments, 8.27-1
City Attorney, see ATTORNEYS
Code Enforcement, cash revolving funds, 10.171
Criminalistics Laboratory Fund, 10.100-170
Department of Emergency Communications, 2A.200
District Attorney, see ATTORNEYS
Drugs
Forfeiture and Asset Seizure Fund, 10.100-310
Emergency management, see EMERGENCY MANAGEMENT
Funds
Automated County Warrant System, 10.100-280
Automated Fingerprint Identification Fund, 10.100-282
Fingerprint Processing Fund, 10.100-174
Immigration status, assisting authorities restricted
Chapter inapplicable to persons convicted of certain crimes, 12H.2-1
City and County of refuge, 12H.1
City undertaking limited to, 12H.5
Clerk of Board to transmit copies of this chapter, 12H.3
Enforcement, 12H.4
Informing city employees, 12H.3
Severability, 12H.6
Use of city funds prohibited, 12H.2
Incarceration, see JAILS AND PRISONERS
Institutional Police Department
Transfer from Department of Public Health to Sheriff, 1.59
Jails, see JAILS AND PRISONERS
Jury fees
Grand juror fees, 45.2
Title, 45.1
Trial juror fees, 45.3
Justice Tracking System (JUSTIS) Committee Governance Council, 2A.85
Language services in languages other than English, see EQUAL ACCESS TO SERVICES

LAW ENFORCEMENT (Cont'd)
Municipal Court, see COURTS
Office of Citizen Complaints; coordination with
Definitions, 96.1
Disclosure of documents to OCC, 96.3
Guidelines for failure to comply, 96.5
Noncompliance as not invalidating discipline, 96.10
Notice to OCC of proposed action, 96.4
Notification to claimants, 96.7
Protection of peace officer privacy, 96.9
Reporting on status of sustained complaints, 96.2
Severability, 96.11
Subpoena power, 96.6
Training requirements for police commissioners and police officers, 96.8
Parking and traffic control
Department of Parking and Traffic
Cash revolving funds, 10.151
Generally, 2A.180
Special services
Authority to perform for governmental entities and for utilities, 10B.21
Minimum assignment, 10B.19
Payment for services, 10B.17
Payments in arrears, 10B.20
Rates of pay, 10B.18
Request for services, 10B.16
Towing and storage reimbursement, see VEHICLES
Peace officer training, 16.9-2
Police Department
Auxiliary Reserve, emergency management, 7.10
Cash revolving funds
Peace officer training, acceptance of state law, 10.170-3
Chief of Police, special powers, 2A.80
Creation of new ranks, 2A.76
Fees, 8.23
Funds
Criminalistics Laboratory Fund, 10.100-170
Fingerprint Processing Fund, 10.100-174

LAW ENFORCEMENT (Cont'd)
Police Department (Cont'd)
Funds (Cont'd)
Hall of Justice Gymnasium Fund, 10.100-176
Officers' Training Fund, 10.100-180
Project Safe Fund, 10.100-182
Vehicle Theft Crimes Fund, 10.100-185
Inspectors, 2A.78
Institutional Police Department
Transfer to Sheriff, 1.59
Other executives, 2A.77
Police Auxiliary Reserve, emergency management, 7.10
Ranks in the department, 2A.75
Retirement, see generally RETIREMENT
Special police officers, 2A.79
Special police services
Authority to perform for governmental entities and for utilities, 10B.21
General provisions, 10B.5
Minimum assignment, 10B.4
Payment for services, 10B.2
Payments in arrears, 10B.20
Rates of pay, 10B.3
Request for police services, 10B.1
Traffic regulation, 2A.81
Prisons and prisoners, see JAILS AND PRISONERS
Probation, see PROBATION
Retirement, see generally RETIREMENT
Sheriff
Cash revolving funds
Generally, 10.164
Inmate Welfare Fund, 10.164-1
Fees
Generally, 8.27
Work alternative program fees, 10.39-4
Funds
County Jail Prisoners Welfare Fund, 10.100-329
Deputies Training Fund, 10.100-327
Institutional Police Department
Transfer from Department of Public Health to Sheriff, 1.59

LAW ENFORCEMENT (Cont'd)
Sheriff (Cont'd)
Sheriff's Stores in county jails, see JAILS AND PRISONERS
Special Maintenance Fund, 10.100-331
Special law enforcement services
Parking enforcement and traffic control
Authority to perform for governmental entities and for utilities, 10B.21
Minimum assignment, 10B.19
Payment for services, 10B.17
Payments in arrears, 10B.20
Rates of pay, 10B.18
Request for services, 10B.16
Police services
General provisions, 10B.5
Minimum assignment, 10B.4
Payment for services, 10B.2
Rates of pay, 10B.3
Request for police services, 10B.1
Subpoenas
City Attorney subpoena power
Local law enforcement, 2A.230
State law enforcement, 2A.231
Retirement Board, power to issue, 16.37-9
Telpak Circuit System, stolen vehicles, 1.35
Towing and storage reimbursement, see VEHICLES
Uniforms
Employment termination or change, 16.462
Finding, 16.450
Return of uniforms, 16.462
Supplied and owned by city, 16.450
Uniform supply records, 16.451
Victim/Witness Assistance Program, see VICTIMS
Witness protection, contracts for, 1.27

LAWSUITS (See generally ACTIONS AND PROCEEDINGS)

LEAD HAZARD REMEDIATION
Relocation assistance for
Conditions for relocation assistance, 72.3
Definitions, 72.2
Enforcement, 72.7

LEAD HAZARD REMEDIATION (Cont'd)
Relocation assistance for (Cont'd)
Extensions to payment of relocation assistance, 72.4
Intent, 72.1
Penalty, 72.6
Purpose, 72.1
Rent increases during lead hazard work, 72.5
Violation, 72.6

LEASING
Real estate, see REAL PROPERTY
Rent regulations, see RENT REGULATIONS

LEGISLATIVE REPRESENTATIVE (See LOBBYISTS

LESBIANS
Domestic partnerships, see DOMESTIC PARTNERSHIPS
Youth services sensitivity training, see MINORS

LIBRARIES
Citizens' Advisory Committee, 5.250
Fine and fee amnesty program, 8.21-3
Fines and fees, 8.21-2
Funds
Library Department Construction Fund, 10.100-85
Special Collections and Services Fund, 10.100-88
Library Commission, note cards, 8.21
Library Publication Fund, 8.21-1
San Francisco Public Library
Cash revolving funds, 10.155
Filing reports and documents with, 8.16

LICENSE AND PERMIT FEES, 10.19-3

LIENS
Applicability, 10.230
Authorization, 10.230A
Collection of assessment, 10.234
Distribution of proceeds, 10.236
Filing with Controller and Tax Collector, 10.236

LIENS (Cont'd)
Hearing, 10.233
Notice of
Delinquent account and proposed lien, 10.230A
Hearing, 10.232
Payment request, 10.230A
Recordation, 10.235
Recording fee, 10.237
Release of lien, 10.237
Report to Board of Supervisors, 10.231

LIGHTING, STREET
Cost of
Facilities in work done by city for street improvements, 25.4
Underground facilities in new streets and new subdivisions, 25.3
Inclusion of street lighting in plans for street openings and improvements, 25.2
Underground street lighting facilities to be shown on plans for new streets, subdivisions, 25.1
Utilities Commission to determine street lighting specifications, 25.6
When facilities become city and county property, 25.5

LIQUIDATED DAMAGES, 6.22

LITIGATION (See generally ACTIONS AND PROCEEDINGS)

LITTER CONTROL
Litter Control Fund created, 10.1100-233
Littering, Nuisance and Graffiti Violation Reward Fund, 10.100-234

LOANS (See also MUNICIPAL FINANCE LAW)
Nonprofit Performing Arts Loan Program, see ARTS AND CULTURE
Political activity by recipients of city contracts, grants, and loans
Audits, 12G.2
Penalties, 12G.4
Prohibition, 12G.1
Rules and regulations, 12G.3

LOANS (Cont'd)
Real Estate Loan Counseling and Education
Findings, 92.1
Pilot consumer loan program, 92.3
Pilot consumer loan education program, 92.2
Purpose, 92.1
Report to Board, 92.4
Seismic Safety Loan Program, see EARTHQUAKES
Seismic Safety Retrofit Program, see EARTHQUAKES

LOBBYISTS (See SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE)

LOCAL PREFERENCES
Disadvantaged businesses, see DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
Local manufacturers and industry, 6.4
Minority/women/local business utilization, see BUSINESS SET-ASIDES

LOCAL RENT SUPPLEMENT PROGRAM (See RENT REGULATIONS)

LOITERING AT OR NEAR CASH DISPENSING MACHINES, App. 25

LOT LINE WINDOW AGREEMENTS
Authority of Director of Property, 23.45
Determination of value, 23.46
Fees and fee payments, 23.48
Requirements for, 23.47

[The next page is number 69.]

— M —

MACBRIDE PRINCIPLES
City contracts, 12F.5
Findings, 12F.2
Intent, 12F.1
MacBride Principles, 12F.3
Research and education, 12F.6
Retirement Board and System, 12F.4
Severability, 12F.7

MAILING OF DOCUMENTS
Intra-city government messages, 8.17

MARITIME LAND USE (See WATERFRONT LAND USE)

MARKET STREET ART
Maintenance Account, 10.100-28

MARRIAGE (See DOMESTIC PARTNERSHIP)

MAYOR
Annual Joint Fundraising Drive, duties, 16.93-3
Budget procedures generally, see BUDGET PROCEDURES
Department of Administrative Services
Mayor's Office on Disability
Establishment, 2A.22
Plan review and site inspection fees, 2A.22.1
Disadvantaged business enterprises, 14A.7
Earthquake Emergency Relief Fund, 10.100-100
Emergency succession to, 2A.10
Funds
Community support fund, 10.100-95
Convention Promotion and Services Fund, 10.100-97
Earthquake Emergency Relief Fund, 10.100-100
Emergency Mercy Fund, 10.100-102
Excelsior Youth Center Fund, 10.100-104
Fund for the Homeless, 10.100-106
Home Ownership Assistance Loan Fund, 10.100-108
Office of Housing Programs Fees Fund, 10.100-117
Neighborhood Beautification and Graffiti Clean-Up Fund, 10.100-114

MAYOR (Cont'd)
Funds (Cont'd)
Office of Housing Programs Fees Fund, 10.100-117
Performing Arts Loan Fund, 10.100-119
Protocol and Host Fund, 10.100-121
San Francisco Arts Wall of Fame Fund, 10.100-125
Sister-City Committee Fund, 10.100-127
Small Business Revolving Loan Fund, 10.100-129
Supportive Housing Service Fund, 10.100-131
Urban Development Action Grant Revolving Fund, 10.100-136
Voluntary Arts Contributions Fund, 10.100-138
Interdepartmental transfers of real property, see REAL PROPERTY
Local Rent Supplement Program in the Office of Mayor, see RENT REGULATIONS
Minority/women/local business utilization, powers and duties, 12D.8, 12D.A.8
Office on Disability, 2A.22
Salary and wage deductions; duties, 16.93-3
Sale of trust securities; endorsement by, 10.56
Succession to in emergencies, 2A.10
Voluntary Arts Contributions Program, 51.03

MEASUREMENTS (See WEIGHTS AND MEASURES)

MEAT PRODUCTS, App. 3

MEDI-CAL
Cash Assistance Linked to Medi-Cal, see ASSISTANCE PROGRAMS

MEDICAL EXAMINER
Cash revolving funds, 10.169-21
Fees for copies and certain services, 8.14
Office of the Chief Medical Examiner, 2A.250

MEDICAL SERVICES
Assistance programs
General Assistance Program, special allowances for, 20.57.5

MEDICAL SERVICES (Cont'd)
Assistance programs (Cont'd)
Generally, see ASSISTANCE PROGRAMS
Emergency medical services
Emergency Medical Service Communications Center use, 15.103
Fund, 10.100-195
Hospitals, see HOSPITALS
Public health contracts, see HEALTH
Hospitals, see HOSPITALS
Mental heal services, see MENTAL HEALTH SERVICES
Public health contracts, see HEALTH

MEDICAL STEWARDS
Disability benefits, 16.171

MEETINGS
Disruption, cell phones and the like, 67A.1
Nonprofit organizations, public access to records and meetings of
City undertaking limited to promotion of general welfare, 12L.9
Community representation, 12L.6
Compliance, 12L.7
Costs of compliance, 12L.1
Definitions, 12L.3
Effective date, 12L.10
Intent and interpretation, 12L.1
Public access
Contract language establishing, 12L.2
To meetings, 12L.4
To records, 12L.5
Severability, 12L.8
Public hearings, reports submitted by the civil grand jury, 2.10
Special meetings, 2.8
Sunshine Ordinance
Citation, 67.2
Findings, 67.1
Policy implementation
Department head declaration, 67.33
Enforcement provisions, 67.35
Responsibility for administration, 67.31
Services to other agencies, 67.32
Severability, 67.37
Sunshine Ordinance Task Force, 67.30

MEETINGS (Cont'd)
Sunshine Ordinance (Cont'd)
Policy implementation (Cont'd)
Superseding effect, 67.36
Willful failure, 67.34
Public access to meetings
Agendas
And related materials, public records, 67.9
Disclosures, closed sessions, 67.8
Regular meetings, 67.7
Barriers to attendance prohibited, 67.13
Brown Act application, 67.5
Closed sessions
Agenda disclosures, 67.8
Disclosure of discussions and actions, 67.12
Conduct of business, 67.6
Definitions, 67.3
Filming, 67.14
Meetings to be open and public, 67.5
Minutes, 67.16
Passive meetings, 67.4
Photography, 67.14
Place for meetings, 67.6
Public comment by members of policy bodies, 67.17
Public notice requirements, 67.7-1
Public testimony, 67.17
Recording, 67.16
Time for meetings, 67.6
Public information
Calendars of certain officials, 67.29-5
Correspondence and records maintained, 67.29-7
Definitions, 67.20
Fees for duplication, 67.28
Future agreements, 67.29-3
Immediacy of response, 67.25
Index to records, 67.29
Internet access, 67.29-2
Lobbyist on behalf of city, 67.29-4
Nonexempt public information, 67.24
Outside funding sources, 67.29-6
Policy body communications, 67.23
Public review file, 67.23
Records survive transition of officials, 67.29-1

MEETINGS (Cont'd)
Sunshine Ordinance (Cont'd)
Public information (Cont'd)
Release of
Documentary public information, 67.21
Oral public information, 67.22
Withholding
Justification of, 67.27
Minimum, 67.26
Purpose, 67.1

MENTAL HEALTH SERVICES (See also DEPARTMENT OF PUBLIC HEALTH)
Administered by Director of Public Health, powers and duties, 15.11
AIDS and HIV
Director of Health responsibility, 15.22
Information and education, 15.21
Policy, 15.20
Definitions, 15.1
Drug Abuse Advisory Board, 15.17
Emergency Medical Service Communications Center, 15.103
Established pursuant to state law, 15.10
Generally, 15.16
HealthSystems Consortium and Services Corporation, 15.104
Indigent and uninsured services, 15.23
Mental Health Board
Appointment, 15.12
Composition, 15.12
Powers and duties, 15.14
Removal, 15.13
Terms, 15.13
Public Health
Generally, see HEALTH
Laboratory Fund, 10.100-207
Services which may be provided, 15.15
Training programs, 15.100
Uninsured people, 15.23
University consortiums, 15.104
Volunteer auxiliaries
Agreements for medical services, 15.102
Space for gift shop and facilities, 15.101
Vital and Health Statistics Trust Fund, 10.100-320

METHYL TERTIARY-BUTYL ETHER (See MOTOR VEHICLE FUEL CONTAINING METHYL TERTIARY-BUTYL ETHER)

MILLS ACT CONTRACT PROCEDURES
Application for historical property contract, 71.3
Approval process, 71.4
Fees, 71.6
Purpose, 71.1
Qualified historic property, 71.2
Terms of the historical property contract, 71.5

MINIMUM WAGE, App. 68
Amendment by the Board of Supervisors, 12R.13
Application of minimum wage to welfare-to-work programs, 12R.10
Authority, 12R.2
Definitions, 12R.3
Effective date, 12R.11
Enforcement, 12R. 7
Established, 12R.4
Implementation, 12R.7
Notice, posting and payroll records, 12R.5
Relationship to other requirements, 12R.9
Retaliation prohibited, 12R.6
Severability, 12R.12
Title, 12R.1
Waiver through collective bargaining, 12R.8
Welfare-to-work programs, 12R.10

MINORITIES
Discrimination generally, see DISCRIMINATION
Human Rights Commission, see HUMAN RIGHTS COMMISSION
Loan counseling and education, see LOANS
Minority/women/local business utilization, see BUSINESS SET-ASIDES

MINORS (See also CHILD CARE)
Child Care Planning and Advisory Council, 5.200
Children and Families First Commission
County Strategic Plan, 86.4
Establishment, 86.1
Membership, 86.3
Organization, 86.3

MINORS (Cont'd)
Children and Families First Commission (Cont'd)
Powers and duties, 86.2
Severability, 86.5
Trust Fund, 10.100-288
Claims against city and county, settlement of, 10.22-1
Courthouse Children's Waiting Rooms Account, 10.100-351
Delinquency Prevention Commission
Appointment; terms; expenses; vacancies, 20.51
Establishment; composition; purpose, 20.50
Funding, 20.52
Department of Child Support Services
Appointment of Director, 89.1
Duties of the Department, 89.2
Establishment, 89.1
Staff, 89.1
Transfer of functions, 89.3
Department of Children, Youth, and their Families, 2A.232
Funds
Children and Families First Trust Fund, 10.100-288
Human Services
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Probation Officer duties concerning dependent children, 20.8
Juvenile Court
Dependent children responsibility, 20.8c
Cash revolving funds, 10.146
Records and publications, fees
Restitution collection fee, 8.36
Step-parent adoptions, 8.36-1
Restitution collection fee, 8.36
Step-parent adoptions, 8.36-1
Youth Arts Account, 10.100-34
Youth services sensitivity training
Lesbian, gay, bisexual, transgender, queer, questioning youth
City departments to provide sensitivity training for employees, 12N.3
Contracts requiring youth service providers to provide sensitivity training, 12N.2

MINORS (Cont'd)
Youth services sensitivity training (Cont'd)
Lesbian, gay, bisexual, transgender, queer, questioning youth (Cont'd)
Definitions, 12N.1
Effective date, 12N.4

MISSION STREET (1660) SURCHARGE
Annual setting of surcharge rate, 10F.2
Fee surcharge, 10F.1

MONUMENT PRESERVATION (See SURVEY MONUMENTS)

MORTGAGE (See RESIDENTIAL MORTGAGE REVENUE BOND LAW)

MOSCONE CONVENTION CENTER
Rental deposits, 4.23

MOTOR VEHICLES
City vehicles, see CITY BUILDINGS, EQUIPMENT, AND VEHICLES
For hire, App. 6
Generally, see VEHICLES
Travel expense reimbursement, see OFFICERS AND EMPLOYEES

MOUNT DAVIDSON PARK, App. 36

MOVIES (See ARTS AND CULTURE

MOVING SERVICES
Prevailing rate of wages required in contracts; nonprofit organizations exclusion, 21.25-x

MUNICIPAL COURT (See generally COURTS)

MUNICIPAL FINANCE LAW
Affordable Housing and Home Ownership Bond Program
Housing account, 43.3.3
Issuance of bonds, 43.3.2
Mayor's Office of Housing, 43.3.5
Proposed use of bond proceeds, 43.3.4
Purpose, 43.3.1
Regulations, 43.3.6
Reports to the Board of Supervisors, 43.3.7

MUNICIPAL FINANCE LAW (Cont'd)
Economic development bond law
Appropriations; no limitation, 43.2.6
Authority
Additional, 43.2.4
Full, 43.2.3
Bonds
Anticipation notes, 43.2.25
Debt of city, 43.2.18
Issuance, 43.2.17
Lien, 43.2.21
Money or assets, 43.2.21
Personal liability, 43.2.22
Pledge of revenues, 43.2.21
Provisions, 43.2.20
Purchase by city, 43.2.23
Refunding, 43.2.24
Terms, 43.2.19
Validity, 43.2.26
Definitions, 43.2.5
Financing facilities
Acquisition of facilities, 43.2.8
Additional powers, 43.2.16
Applications for approval, 43.2.9
Charges, 43.2.12
Construction of facilities, 43.2.8
Fees, 43.2.10
Insurance, 43.2.11
Leasing of facilities, 43.2.8
Loans for facilities, 43.2.7
Professional services, 43.2.14
Public works requirements inapplicable, 43.2.15
Rents, 43.2.12
Security for loans, 43.2.13
Selling of facilities, 43.2.8
Purpose, 43.2.2
Supplemental provisions
Chapter controlling, 43.2.29
Liberal construction, 43.2.27
Omissions not to affect validity of bonds, 43.2.28.
Severability, 43.2.30
Title, 43.2.1

MUNICIPAL FINANCE LAW (Cont'd)
Public Utilities Commission enterprise revenue bond election procedure
Content of resolution, 43.4.4
Discretion, 43.4.2
Incidental Expenses, 43.4.2
Issuance and sale of bonds, 43.4.9
Majority vote of electorate required, 43.4.8
Payable only from revenues; not to be secured by taxing power, 43.4.6
Publication and distribution, 43.4.7
Regular or special election; other propositions, 43.4.5
Regular or special meeting, 43.4.3
Statement of purpose, 43.4.2
Utility bonds; submission to voters, 43.4.1
Public Utilities Commission short-term indebtedness
Authorization, 43.5.2
Construction, 43.5.6
Credit or liquidity support, 43.5.3
Definitions, 43.5.1
Maximum short-term indebtedness, 43.5.4
Refunding short-term indebtedness, 43.5.5
Refunding Bond Savings Test Act
Alternative for refunding bonds, 43.8.4
Construction, 43.8.5
Definitions, 43.8.3
Name, 43.8.2
Refunding Bond Savings Test Act (Cont'd)
Policy declaration, 43.8.1
Residential Mortgage Revenue Bond Law
Appropriations; no limitation, 43.1.6
Authority, additional, 43.1.4
Authority, full, 43.1.3
Bonds
Capitalized bond interest, 43.1.20
Cost of issuance, 43.1.20
Debt of city, 43.1.19
Issuance of bonds, 43.1.18
Lien, 43.1.23
Money or assets, 43.1.23
Personal liability, 43.1.24
Pledge of revenues, 43.1.23
Provisions, 43.1.22
Purchase by city, 43.1.25
Refunding, 43.1.26

MUNICIPAL FINANCE LAW (Cont'd)
Residential Mortgage Revenue Bond Law (Cont'd)
Bonds (Cont'd)
Reserve funds, 43.1.20
Terms, 43.1.21
Validity, 43.1.27
Definitions, 43.1.5
Financing residences
Acquisition of residences, 43.1.8
Additional powers, 43.1.17
Charges, 43.1.11
Construction of residences, 43.1.8
Equal opportunity, 43.1.14
Fees, 43.1.9
Insurance, 43.1.10
Leasing of residences, 43.1.8
Loan security, 43.1.12
Loans for residences, 43.1.7
Professional services, 43.1.13
Public works requirements, inapplicable, 43.1.15
Regulations, 43.1.16
Rents, 43.1.11
Selling of residences, 43.1.8
Purpose, 43.1.2
Supplemental provisions
Article controlling, 43.1.30
Liberal construction, 43.1.28
Omissions, 43.1.29
Severability, 43.1.31.
Title, 43.1.1
San Francisco Bond Facilitation Act
Authority in addition to special provisions, 43.7.6
Construction, 43.7.7
Definitions, 43.7.3
Interest payments, 43.7.4
Issuance of governing bodies, 43.7.5
Name, 43.7.2
Policy declaration, 43.7.1
San Francisco Refunding Revenue Bond Act
Additional procedures, 43.6.5
Amendments, 43.6.4
Construction, 43.6.7
Name, 43.6.2

MUNICIPAL FINANCE LAW (Cont'd)
San Francisco Refunding Revenue Bond Act (Cont'd)
Net debt savings calculation, 43.6.6
Policy declaration, 43.6.1
Procedure, 43.6.3

MUNICIPAL RAILWAY
Assistance programs
Personal Assisted Employment Services (PAES) Program, fast pass, 20.76.1
Supplemental Security Income Pending (SSIP), tokens, 20.206.1
Audit, App. 32
Cash revolving funds, 10.150
Funds
Transportation
Capital Reserve Fund, 10.100-155
Improvement Fund, 10.100-157
Information Fund, 10.100-159
Operators Lounge Facilities, 10.100-162
Video Production Fund, 8.29
General Fund cost recovery
Improvement Fund, 10.205
Transit impact development fees, see TRANSPORTATION
Vintage transit equipment sale proceeds, 10.84

MUSEUMS (See also ARTS AND CULTURE)
Committee of Asian Art and Culture
Asian Art Commission
Sale, exchange or transfer of art, 2A.155.11
Fine Arts Museums
Acceptance of gifts by, 2A.155.3
Accounts and reports, 2A.155.1
Grounds, 2A.155
Museums Admission Special Revenue Fund, 10.100-307
Sale, exchange or transfer of works of art
Application to
Asian Art Commission, 2A.155.11
San Francisco Airport Commission, 2A.155.12
Authorization for sale, exchange or transfer of works of art, 2A.155.4

MUSEUMS (Cont'd)
Sale, exchange or transfer of works of art (Cont'd)
Disposition of moneys received for sale of works of art, 2A.155.9
Exchange of works of art, 2A.155.5
Private sale in lieu of auction, 2A.155.7
Public auction, 2A.155.6
Sale in general, 2A.155.8
Transfer of works of art, 2A.155.10

MYANMAR (See BURMA)

— N —

NARCOTICS (See DRUGS)

NEGOTIABLE INSTRUMENTS (See FINANCE AND TAXATION)

NEIGHBORHOODS
Beautification, App. 19
Crime prevention, App. 31
Graffiti Cleanup Fund option, App. 19

NEWSPAPER, OFFICIAL, App. 27
Definitions, 2.80-1
Designation, 2.81
Findings, 2.80
Neighborhood outreach, 2.81-4
Outreach fund, 2.81-2
Outreach periodicals, designation, 2.81-3
Use of, 2.81-1

NONDISCRIMINATION (See DISCRIMINATION)

NONPROFIT ORGANIZATIONS
Contracts for moving services; prevailing rate of wages required; nonprofit organizations exclusion, 21.25-x
Garage corporations, App. 7
Nonprofit Performing Arts Loan Program, see ARTS AND CULTURE
Public access to records and meetings
City undertaking limited to promotion of general welfare, 12L.9
Community representation, 12L.6

NONPROFIT ORGANIZATIONS (Cont'd)
Public access to records and meetings (Cont'd)
Compliance, 12L.7
Costs of compliance, 12L.1
Definitions, 12L.3
Effective date, 12L.10
Intent and interpretation, 12L.1
Public access
Contract language establishing, 12L.2
To meetings, 12L.4
To records, 12L.5
Severability, 12L.8

NORTHEAST CHINA BASIN SPECIAL USE DISTRICT, App. 34

NORTHERN IRELAND (See MACBRIDE PRINCIPALS)

NUISANCES
Environmental regulations generally, see ENVIRONMENTAL REGULATIONS
Graffiti, see GRAFFITI
Hazardous materials, see HAZARDOUS MATERIALS
Nuisance Abatement and Removal Fund, 10.100-236
Public nuisance abatement action, dismissal of, 1.7-1

NURSERY STOCK
Inspection of, 1.13-4

— O —

OCTAVIA BOULEVARD
Special Fund, 10-100.369

OFF-STREET PUBLIC PARKING FACILITIES (See PARKING AND TRAFFIC)

OFFICE OF CITIZEN COMPLAINTS
Cash revolving funds, 10.169-10
Coordination with the Police Department
Definitions, 96.1
Disclosure of documents to OCC, 96.3
Guidelines for failure to comply, 96.5

OFFICE OF CITIZEN COMPLAINTS (Cont'd)
Coordination with the Police Department (Cont'd)
Noncompliance as not invalidating discipline, 96.10
Notice to OCC of proposed action, 96.4
Notification to claimants, 96.7
Protection of peace officer privacy, 96.9
Reporting on status of sustained complaints, 96.2
Severability, 96.11
Subpoena power, 96.6
Training requirements for police commissioners and police officers, 96.8

OFFICE OF LABOR STANDARDS ENFORCEMENT, 6.24

OFFICERS AND EMPLOYEES (see also headings for specific officers and employees)
Accident prevention
Human Resources Director, powers and duties, 16.121-4
Powers of city and county officers not divested, 16.121-5
Purpose of article, 16.121-1
Workers' Compensation Council
Members, 16.121-2
Powers and duties, 16.121-3
Procedure, 16.121-2
Agricultural Commissioner and Sealer of Weights and Measures, duties consolidated, 2A.221
Ambulance drivers, disability benefits, 16.171
Bonds, see BONDS
Cafeteria Plan
Administration by the Department of Human Resources, 16.902
Cafeteria Plan benefits, 16.905
Establishment of, 16.900
Health system membership of former supervisors, 16.906
No cost to city and county, 16.903
Purpose, 16.901
Voluntary employee benefits, 16.904
Campaigning, see ELECTIONS

OFFICERS AND EMPLOYEES (Cont'd)
Catastrophic sick leave policy, transfer of sick leave and vacation credits
Ill employees, 16.9-29A
Ill family members, 16.9-29B
Cesar Chavez Day, 16.5
City Administrator, 2A.25
City Attorney, see ATTORNEYS
City officers, 1.50
Civil service
Commission, see CIVIL SERVICE COMMISSION
Equal Employment Opportunity, 16.9-24
Commission or committee, roster of officers and employees serving on, 2A.240
Compensation, see Salary and wages, this heading
Confidential employees, designation of, 16.208
Conflict of interest, see ETHICS
Corruption, see generally ETHICS
County officers, 1.50
Deferred compensation plan
Administration by retirement board, 16.320
Administrative costs, 16.326
Establishment of, 16.301
Purpose, 16.302
Department heads, 2A.30
Disability
Benefits
Ambulance drivers, 16.171
District Attorney investigators, 16.175
Entitlement defined, 16.170
Medical stewards, 16.171
Insurance program enrollment, 16.9-31
Retirement
Engaging in gainful occupation after retirement period, 16.74
Medical examinations, 16.74
Medical grounds, 16.71
Re-entry into service, 16.74
Vacation, use of to supplement disability leave, 16.15
Discrimination, see generally DISCRIMINATION

OFFICERS AND EMPLOYEES (Cont'd)
District Attorney, see ATTORNEYS
Elections, see ELECTIONS
Equal Employment Opportunity plans, 16.9-24
Ethics, see ETHICS
First Source Hiring Program, see FIRST SOURCE HIRING PROGRAM
Grievances, 16.218
Guardian, public
Attorney for, 2A.211
Designated, 2A.210
Qualification for services, 2A.210
Representative payee program, 2A.211-A
Hours of city offices, 16.4
Human Resources
Cash revolving funds
Generally, 10.145-2
Workers' compensation
Council, 16.121-4
Program, 10.145-1
Immigration status, assisting authorities restricted
Chapter inapplicable to persons convicted of certain crimes, 12H.2-1
City and County of refuge, 12H.1
City undertaking limited to promotion of general welfare, 12H.5
Clerk of Board to transmit copies of this chapter, 12H.3
Enforcement, 12H.4
Informing city employees, 12H.3
Severability, 12H.6
Use of city funds prohibited, 12H.2
Intern training for public service programs
Duties of interns, 16.9-21
Hold harmless clause, 16.9-22
Labor relations, see LABOR RELATIONS
Lobbyists, see LOBBYISTS
Management employees, designation of, 16.208
Medical stewards, disability benefits, 16.171
Military leaves
Authorized for sea duty aboard government operated ships, 16.2
Payment of salaries for thirty-day period, 16.1
Oaths, persons designated to certify, 2A.31
Officers of the City and County, 1.50

OFFICERS AND EMPLOYEES (Cont'd)
Organizations, representation in
Annual dues and expenses of memberships, 16.6-1
Annual report of memberships, 16.6
Attending meetings or conventions, 16.6-1
Memberships authorized, 16.6
Representatives at meetings, 16.6-2
Voting contrary to city policy, 16.6-2
Overpayment of salary or wages, 10.27
Payroll, see SALARIES AND WAGES
Peace officer training, 16.9-2
Public guardian, see PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

[The entry for officers and employees *continues on page 77.]*

[The entry for officers and employees *continues on page 77.]*

OFFICERS AND EMPLOYEES (Cont'd)
Representation
Certain organizations
Annual dues and expenses of memberships, 16.6-1
Annual report of memberships, 16.6
Attending meetings or conventions, 16.6-1
Memberships in organizations authorized, 16.6
Representatives at meetings, 16.6-2
Voting contrary to city policy, 16.6-2
Resignations of city officers
Effective date, 16.89-16
Method of resignation, 16.89-15
Temporary service, 16.89-18
Vacancies in office, 16.89-17
Retirement, see RETIREMENT
Roster of officers and employees serving on any board, commission or committee, 2A.240
Salary and wages
Deductions
Annual Joint Fundraising Drive
Duties of the Mayor, Controller and Director of Administrative Services, 16.93-3
Generally, 16.93-1
Obligations of participating agencies, 16.93-5
Schedule, 16.93-4
Selection of agencies eligible to participate in, 16.93-2
Charitable deductions, 16.93-1
Controller authorized to deduct, 16.90
Fees for collection of deductions, 16.92
Organizations for which deductions can be made, 16.93
Payment of balance to particular organization, 16.92
Procedure administration, 16.91
Deferred compensation plan
Administration by retirement board, 16.320
Administrative costs, 16.326
Establishment of, 16.301
Purpose, 16.302

OFFICERS AND EMPLOYEES (Cont'd)
Salary and wages (Cont'd)
Interim positions, salary adjustments, 3.16
Military leave, payment of salaries for thirty-day period, 16.1
Overpayment of salary or wages, 10.27
Prevailing wages, see CONTRACT PROCEDURES
Sealer of Weights and Measures and Agricultural Commissioner, duties consolidated, 2A.221
Settlement of claims for and against city and county, see ACTIONS AND PROCEEDINGS
Sexual harassment policy, 16.9-25
Sexual privacy ordinance, city employees
Exceptions, 12E.4
Findings, 12E.2
Prohibited practices, 12E.3
Short title, 12E.1
Sick leave
Catastrophic sick leave policy, transfer of sick leave and vacation credits
Ill employees, 16.9-29A
Ill family members, 16.9-29B
Supervisory employees, designation of, 16.208
Training
Intern training for public service programs
Duties of interns, 16.9-21
Hold harmless clause, 16.9-22
Peace officer training, 16.9-2
Travel expenses
Compensation for use of privately owned automobiles, 10.28-1
Unfair labor practices, see LABOR RELATIONS
Uniforms
Employment termination or change, 16.462
Finding, 16.450
Return of uniforms, 16.462
Supplied and owned by city, 16.450
Uniform supply records, 16.451
Vacations
Award and accrual of, 16.12
Calculation of, 16.11
Catastrophic sick leave policy, transfer of sick leave and vacation credits
Ill employees, 16.9-29A
Ill family members, 16.9-29B

OFFICERS AND EMPLOYEES (Cont'd)
Vacations (Cont'd)
Charges between departments, 16.16
Definitions, 16.10
Effect of separation upon vacation, 16.13
Use of partial vacation to supplement disability leave, 16.15
Vacation schedules, 16.14
Veterans' interment, administrative officer designated, 2A.212
Wages, see Salary and wages, this heading
Workforce Development Advisory Committee, 83.8
Youth services sensitivity training, see MINORS

OFFICIAL NEWSPAPERS, App. 27
Definitions, 2.80-1
Designation, 2.81
Findings, 2.80
Neighborhood outreach, 2.81-4
Outreach fund, 2.81-2
Outreach periodicals, designation, 2.81-3
Use of, 2.81-1

OFFICIAL SYMBOLS DESIGNATED
Ballad, 1.5-1
Colors, 1.5-2
Flag, 1.3
Flower, 1.5
Key, 1.6-1
Song, 1.5-1

OIL DEVELOPMENT MORATORIUM, App. 13

ORDINANCES
Procedure by general law or ordinance, 1.51

ORGANIZATIONS
City representation in certain organizations
Annual dues and expenses of memberships, 16.6-1
Annual report of memberships, 16.6
Attending meetings or conventions, 16.6-1
Memberships authorized, 16.6
Representatives at meetings, 16.6-2
Voting contrary to city policy, 16.6-2

ORGANIZATIONS (Cont'd)
Nonprofit organizations, public access to records and meetings of
City undertaking limited to promotion of general welfare, 12L.9
Community representation, 12L.6
Compliance, 12L.7
Costs of compliance, 12L.1
Definitions, 12L.3
Effective date, 12L.10
Intent and interpretation, 12L.1
Public access
Contract language establishing, 12L.2
To meetings, 12L.4
To records, 12L.5
Severability, 12L.8

OUTREACH ADVERTISING REVENUE FUND, 10.100-40

OVERTIME
Maximum permissible, 18.13-1
Reporting, 18.13-5

— P —

PAES PROGRAM - PERSONAL ASSISTED EMPLOYMENT SERVICES (See ASSISTANCE PROGRAMS)

PARATRANSIT FUND, 10.100-164

PARENTAL LEAVE, App. 61

PARKING AND TRAFFIC
Department of Parking and Traffic
Cash revolving funds, 10.151
Generally, 2A.180
Language services in languages other than English, see EQUAL ACCESS TO SERVICES
Fee for city parking facilities, 4.24
Public off-street parking facilities
Acquisition and operation of facilities
Approval or rejection of recommendations by resolution of Board, 17.10

PARKING AND TRAFFIC (Cont'd)
Public off-street parking facilities (Cont'd)
Acquisition and operation (Cont'd)
Authority to acquire and operate, 17.7
Facilities under public parks, 17.12
Inapplicability
Airport or port facilities, 17.17
Facilities established under Parking Law of 1949, 17.18
Inspection of parking facilities, 17.16
Jurisdiction over sites, 17.8
Leases and management agreements
Administration of, 17.8
For parking facilities, 17.11
Modifications to, 17.13
Methods of accounting; inspection of books and records, 17.15
Parking and Traffic Commission
Courtesy coupon issuance standards, 17.19
Recommendations of, 17.14
Procedure for making recommendations to Board, 17.9
Resolution of approval; contents, 17.10
Parking Authority
Annual reports to Board of Supervisors, 17.5
City acting as, Civic Center Plaza Parking Facility, 10.124
Created, 17.2
Need for, 17.1
Officers and employees generally, 17.6
Powers, 17.3
Submission of budget, 17.4
Prevailing wages
Public off-street parking lots, garages, or storage facilities for automobiles, 21.25-2

PARK SHADOW BAN, App. 10

PARKS AND RECREATION
Cash revolving funds
Generally, 10.160
Recreation Camp Mather, 10.161
San Francisco County Fair, 10.160-1
Golf Fund, 10.100-256
New facilities, 2A.111

PARKS AND RECREATION (Cont'd)
Real estate transactions and property; park lands
Annual reporting and planning, 23.8
Sale or lease, use for construction of water quality and sewerage facilities, 23.40
Transfer to National Park Service, 23.41
Recreation and Park Department
Cash revolving fund, 10.160
Golf Fund, 10.100-256
Recreation Camp Mather Fund, 10.161
San Francisco County Fair Fund, 10.160-1
United Nations and Hallidie Plaza permits, 1.58
Sale or other conveyance of city-owned property
Prior public notice required, 23.7

PAYROLL (See SALARIES AND WAGES)

PEACE OFFICERS (See LAW ENFORCEMENT)

PEDESTRIAN SAFETY ADVISORY COMMITTEE
Findings; establishment and organization, 5.20
Duties of the Committee, 5.21

PENSIONS (See RETIREMENT)

PERFORMANCE AND EFFICIENCY AUDIT OFFICE
Efficiency evaluation plan, 2.92

PERFORMANCE AND REVIEW ORDINANCE OF 1999
Annual performance element; contents, 88.7
Annual performance evaluation, 88.8
Board of Supervisors' oversight, 88.10
Customer service element; contents, 88.5
Definitions, 88.3
Efficiency plans, 88.4
Findings, 88.2
Pilot projects, 88.9
Purposes, 88.2
Strategic planning element; contents, 88.6
Title, 88.1
Training, 88.11

PERFORMING ARTS
Generally, see ARTS AND CULTURE
Loan Fund, 10.100-119

PERMIT AND LICENSE FEES
Board of Appeals surcharge fees
Annual adjustment, 10G.2
Imposed, 10G.1
Imposed, 10.19-3

PERMIT TRACKING SYSTEM
Compliance, 78.4
Established, 78.2
Purpose, 78.1
Reporting requirements, 78.3

PERSONAL ASSISTED EMPLOYMENT SERVICES (PAES) PROGRAM (See ASSISTANCE PROGRAMS)

PERSONAL PROPERTY (See CITY BUILDINGS, EQUIPMENT, AND VEHICLES)

PERSONAL SERVICES
Board of Supervisors approval required for contracting out
Controller's annual report, 2.16
Deadline for submission of requests, 2.17
Supplemental reports required, 2.15

PERSONNEL (See OFFICERS AND EMPLOYEES)

PEST CONTROL
Agricultural, pesticide-related contracts, 1.13-3
Operators and advisers, registration fees, 1.13-1
Pest detection and trapping, 1.13-9

PETROLEUM PRODUCTS, 1.13-8

PIER 52, App. 30

PLANNING AND DEVELOPMENT (See also COMMUNITY REDEVELOPMENT)
Advice on physical improvement and development, 2A.51
Capital Improvement Advisory Committee general plan referrals, 2A.52
City planning fees, 8.28
Development agreements
Amendment
By mutual consent, 56.15
Generally, 56.18
Recordation, 56.16

PLANNING AND DEVELOPMENT (Cont'd)
Development agreements (Cont'd)
Applicability, 56.2
Collateral agreements, 56.11
Contents of, 56.7
Decision by Board of Supervisors, 56.14
Definitions, 56.3
Determination by Commission, 56.13
Fee, 56.20
Filing of application, 56.4
Findings, 56.1
Form of, 56.5
Forms, 56.4
Hearings, rules governing conduct of, 56.9
Initial notice and hearing, 56.4
Irregularity in proceedings, 56.12
Limitation on actions, 56.19
Negotiation report and documents, 56.10
Notice, 56.8
Periodic review, 56.17
Purpose, 56.2
Signatories to, 56.6
Termination
By mutual consent, 56.15
Generally, 56.18
Recordation, 56.16
Downtown Plan monitoring
Annual report, 10E.2
Findings, 10E.1
Five year report, 10E.3
Information to be furnished, 10E.4
Economic Development, see ECONOMIC DEVELOPMENT
Enforcement Fund, 10.100-166
Fees, 8.28
General Plan referrals, 2A.53
Housing, see HOUSING
Industrial development, see INDUSTRIAL DEVELOPMENT AUTHORITY
Planning Commission
Recommendations to Redevelopment Agency, 24.5
Planning Department
Cash revolving funds, 10.169-14
Planning fees, 8.28
Transit impact development fees, see TRANSPORTATION
Urban Development Action Grant Revolving Fund, 10.100-136

PLANNING AND DEVELOPMENT (Cont'd)
Water use limitations for landscaping in new developments and landscaping renovations
Applicability, 63.1
Application approval for new water service, 63.8
Definitions, 63.2
Inspection, 63.7
Irrigation plan submission, 63.3
Irrigation system design and use restrictions, 63.5
Landscaping plan submission, 63.3
Maintenance schedule, 63.6
Planting design restrictions, 63.4
Purpose, 63.1
Severability, 63.9
Soil analysis report submission, 63.3
Water department fees, 63.10
Waterfront land use
Amendment, 61.9
Chaptering of this ordinance, 61.10
Definitions, 61.6
Findings, 61.1
Implementation, 61.7
Land use planning process, 61.2
Maritime land uses, 61.3
Non-maritime land uses
Acceptable, 61.4
Unacceptable, 61.5
Policy, 61.1
Repeal, 61.9
Severability, 61.8

PLANNING CODE ENFORCEMENT FUND, 10.100-166

PLANNING INITIATIVE, App. 12

POLICE DEPARTMENT (See LAW ENFORCEMENT)

POLITICAL ACTIVITY (See also CAMPAIGN AND GOVERNMENTAL CONDUCT CODE)
By recipients of city contracts, grants, and loans
Audits, 12G.2
Penalties, 12G.4
Prohibition, 12G.1
Rules and regulations, 12G.3

POLYTECHNIC HIGH REZONING, App. 14

PORT COMMISSION
Cash revolving funds, 10.169
Collection of accounts, 10. 411

POSSESSORY INTEREST TAXES
Agreements for private use of City property, 23.38
Report of agreement and change of ownership or extension of agreement, 23.39
Taxable interests in tax-exempt real property, 23.39

PREAPPROVAL NOTICE FOR CERTAIN CITY PROJECTS
Alternative notice provisions, 79.6
Change in city project, 79.4
Definitions, 79.2
Exemptions, 79.3
Permission to enter property, 79.7
Rights affected, 79.8
Scope, 79.1
Signposting requirements, 79.5

PREFERENCES
Local manufacturers and industry, 6.4
Minority/women/local business utilization, see BUSINESS SET-ASIDES

PREPACKAGED ITEMS
Quality control, 1.13-6

PREVAILING WAGES (See CONTRACT PROCEDURES)

PRISONS (See JAILS AND PRISONERS)
PRIVATE INFORMATION
Confidentiality
Contract requirements, 12M.4
Definitions, 12M.1
Exceptions, 12M.5
Enforcement, 12M.3
Nondisclosure of private information, 12M.2
Preemption, 12M.6
Severability, 12M.7

PROBATION
Adult Probation Department
Booking fee, 8.38
Cash revolving funds, 10.168
Incarceration, Director of Adult Probation Department to recover costs, 10.39-2
Officer, service charge, 10.180
Adult Probation Department (Cont'd)
Project 20 Administrative fee, 8.30
Restitution collection fee, 8.31
Restitution fine administrative fee, 8.31-1
Juvenile Probation Department
Cash revolving fund, 10.146
Records and publications, fees
Restitution collection fee, 8.36
Step-parent adoptions, 8.36-1
Restitution collection fee, 8.36
Step-parent adoptions, 8.36-1
Language services other than English, see EQUAL ACCESS TO SERVICES
Probation and Corrections Officers Training Funds, 10.170-4

PROJECT SAFE FUND, 10.100-182

PROPERTY
Contracts, discrimination in, see DISCRIMINATION
City property, see CITY BUILDINGS, EQUIPMENT, AND VEHICLES
Emergency shelter for the homeless, see HOUSING
Real property, see REAL PROPERTY
Surplus property, see SURPLUS CITY PROPERTY ORDINANCE
Tax, see FINANCE AND TAXATION
Tax certificate fees, 8.41

PSYCHIATRIC SERVICES
Mental health services generally, see MENTAL HEALTH SERVICES

PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN
Attorney for, 2A.211
Cash revolving fund, 10.152
Designated, 2A.210
Fees, payment by Public Administrator to County Clerk, 1.22

PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN (Cont'd)
Qualification for services, 2A.210
Representative payee program, 2A.211-A

PUBLIC ASSISTANCE (See ASSISTANCE PROGRAMS)

PUBLIC BUILDINGS (See CITY BUILDINGS, EQUIPMENT, AND VEHICLES)

PUBLIC DEFENDER
Cash revolving funds, 10.153
Language services in languages other than English, see EQUAL ACCESS TO SERVICES

PUBLIC EDUCATION
Special Fund, 10.100-368

PUBLIC EMPLOYEES (See SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE)
Campaign regulations, see ELECTIONS
Generally, see OFFICERS AND EMPLOYEES
Labor relations, see LABOR RELATIONS
Retirement system, see RETIREMENT

PUBLIC FUNDS
Political activity by recipients of city contracts, grants, and loans
Audits, 12G.2
Penalties, 12G.4
Prohibition, 12G.1
Rules and regulations, 12G.3

PUBLIC GUARDIAN (See PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN)

PUBLIC HEALTH
Contracts, see HEALTH
Department of, see DEPARTMENT OF PUBLIC HEALTH
Funds, see FUNDS
Generally, see HEALTH

PUBLIC IMPROVEMENTS (See IMPROVEMENTS)

PUBLIC INTERNET ACCESS (See INTERNET)

PUBLIC LIBRARIES (See LIBRARIES)

PUBLIC NUISANCES (See NUISANCES)

PUBLIC OFF-STREET PARKING FACILITIES (See PARKING AND TRAFFIC)

PUBLIC RECORDS (See RECORDS AND PUBLICATIONS or SUNSHINE ORDINANCE)

PUBLIC UTILITIES (See also PUBLIC UTILITIES COMMISSION
- Accounting, 2A.132
- Citizen's Advisory Committee
  - Establishment, 5.140
  - Membership, 5.141
  - Organization, 5.141
  - Purpose, 5.140
  - Reports, 5.142
- Citizens Advisory Committee for Street Utility Construction
  - Duties, 5.66
  - Generally, 5.64
  - Meetings, 5.65
- Commission, see PUBLIC UTILITIES COMMISSION
- Contracts for hazardous material removal, 1.30
- Delinquent municipally owned accounts, 10.41
- Department of Public Works, 2A.190
- Executive branch powers and duties, 2A.130
- Foreign trade zones, 2A.133
- Hetch Hetchy project, 2A.131
- Public Works, Department of, 2A.190
- Rates
  - Approval, 2.29
  - Board finding prior to decision on, 2.28
  - Executive authority, 2A.134
  - Fixing dates for consideration, 2.27
  - Information furnished by Commission
    - Generally, 2.25
    - Regular introduction of proposal, 2.26
  - Policy, State Public Utilities Commission; rate expert to be informed, 2.5
  - Rejection, 2.29

PUBLIC UTILITIES (Cont'd)
- Real estate transactions
  - Interdepartmental transfer, 23.12
  - Real property annual reporting and planning, 23.8
  - Sale or lease of utility property, 23.6
- Revenue Bond Oversight Committee
  - Application, 5A.35
  - Establishment, 5A.31
  - Findings, 5A.30
  - Illegal expenditures, 5A.34
  - Membership, 5A.33
  - Public meetings, 5A.32
  - Purpose, 5A.31
  - Severability, 5A.36
  - Sunset, 5A.36
- Sale, transfer, or other conveyance of city-owned property
  - Prior public notice required, 23.7
  - Real property annual reporting and planning, 23.8
- Street lighting, see STREETS
- Street Utilities Coordinating Committee
  - Duties, 5.62
  - Generally, 5.60
  - Meetings, 5.61
  - Subcommittees, 5.63
- Utility tax, App. 16

PUBLIC UTILITIES COMMISSION
- Cash revolving funds, 10.156
- Compensation; contractors; waiver of minimum requirements, 12P.9
- Enterprise revenue bond election procedure
  - Authorized bonds; issuance and sale, 43.4.9
  - Content of resolution, 43.4.4
  - Discretion, 43.4.2
  - Incidental Expenses, 43.4.2
  - Majority vote of electorate required, 43.4.8
  - Payable only from revenues; not to be secured by taxing power, 43.4.6
  - Publication and distribution, 43.4.7
  - Regular or special election; other propositions, 43.4.5
  - Regular or special meeting, 43.4.3
  - Statement of purpose, 43.4.2

PUBLIC UTILITIES COMMISSION (Cont'd)
Enterprise revenue bond election procedure (Cont'd)
Utility revenue bonds; submission to voters, 43.4.1
Radio communication facilities, applicability to facilities under jurisdiction of, 22.4
Rates, information furnished by
Generally, 2.25
Policy, rate expert to be informed, 2.5
Regular introduction of proposal, 2.26
Short-term indebtedness
Authorization, 43.5.2
Construction, 43.5.6
Credit or liquidity support, 43.5.3
Definitions, 43.5.1
Maximum short-term indebtedness, 43.5.4
Refunding short-term indebtedness, 43.5.5
Street lighting, Utilities Commission to determine specifications, 25.6

PUBLIC WORKS
Contracts, see CONTRACT PROCEDURES
Department, see DEPARTMENT OF PUBLIC WORKS
Department of Public Works geographic information system data license agreements; ratification of prior fees, 8.40
Labor by inmates of county jail, 13.4
Litter Control Fund, 10.100-233
Littering, Nuisance and Graffiti Violation Reward Fund, 10.100-234
Special public works services
Authority to perform for governmental entities and for utilities, 10B.21
General provisions, 10B.15
Minimum assignment, 10B.14
Payment for services, 10B.12
Payments in arrears, 10B.20
Rates of pay, 10B.13
Request for street-cleaning and related services, 10B.11
Utilities generally, see PUBLIC UTILITIES

PUBLICATIONS
Official newspaper, see OFFICIAL NEWSPAPER
Records management, see RECORDS AND PUBLICATIONS
Sunshine ordinance, see SUNSHINE ORDINANCE

PURCHASING
Acquisition of commodities and services
Advertising solicitations, 21.2
Audit of contractor's records, 21.34
Bid security, 21.11
Bond
May be required, 21.10
Procedure upon failure to file, 21.13
Business tax registration certificate, contractors required to obtain, 21.14
Collusion in contracting, 21.39
Competitive sealed bidding, 21.3
Competitive solicitation required, 21.1
Construction against implicit repealer, 21.40
Contractors
Audit of records, 21.34
Disqualification of irresponsible contractors
Effect of, 21.38
Generally, 21.37
Failure to deliver, procedure, 21.33
Required to obtain business tax registration certificate, 21.14
Contracts
Disposition of, 21.18
Dispute resolution, 21.36
In writing, 21.17
Terms
Assignment, 21.22
Contracts exceeding $10,000,000, 21.24
Guaranteed maximum costs, 21.19
In-home supportive service requirements, 21.26
Incidental damage waivers, 21.23
Infringement indemnity, 21.21
Insurance, 21.20
Liability caps, 21.23

PURCHASING (Cont'd)
Acquisition of commodities and services (Cont'd)
Contracts (Cont'd)
Terms (Cont'd)
Prevailing rate of wages
Contracts for moving services; nonprofit organizations exclusion, 21.25-x
Janitorial services, 21.25-1
Motor bus service contracts, 21.25
Public off-street parking lots, garages, or storage facilities for automobiles, 21.25-2
Theatrical workers, 21.25-3
Pricing, 21.29
Quantities, 21.27
Upgraded products, 21.28
Triplicate, 21.18
Definitions, 21.02
Departments
Direct purchasing authority of, 21.04
Powers of, 21.05
Solicitations, multiple departments, 21.16

[The entry for purchasing *continues on page 85.]*

[The next page is number 85.]

PURCHASING (Cont'd)
Acquisition of commodities and services (Cont'd)
Electronic transactions, 21.06
Emergency procurement procedures, 21.15
False claims submission, monetary penalties, 21.35
Food purchased by Sealer of Weights and Measures, 21.32
Invitations for competitive proposals or qualifications, 21.4
Multiple award contracts, 21.8
Multiple low offers, 21.6
Multiple year contracts, options to extend or renew, 21.9
Other purchases, 21.5
Prison made articles prohibited, exception, 21.31
Public and non-profit agency use, 21.16
Purchaser of Supplies, General authority of, 21.03
Purchasing agreements, 21.16
Readvertising for proposals, 21.7
Reciprocal agreements, 21.16
Records, audit of contractor's records, 21.34
Rejection of proposals, 21.7
Scope of chapter, 21.01
Severability, 21.41
Sheriff's stores in county jails, see JAILS AND PRISONERS
Software licenses, support, escrow, finance, and equipment maintenance agreements, 21.30
Sureties, approval of, 21.12
When no valid offers are received, 21.6
Burma, city business with prohibited
Contractual services, real and personal property agreements, 12J.3
Definitions, 12J.2
Findings, 12J.1
Implementation reports, 12J.8
Penalties, 12J.7
Public records, 12J.6
Purchase of commodities, 12J.4
Rules and regulations, 12J.5
Severability, 12J.9
Suspension, 12J.10

PURCHASING (Cont'd)
Contracts generally, see CONTRACT PROCEDURES
Department of Purchasing
Cash revolving funds, 10.158-1
Emergency procurement procedures, 21.15
Price adjustments in procurement contracts to reflect direct sales tax and business tax revenues
City undertaking limited to promotion of general welfare, 21C.3
Price adjustments in procurement contracts to reflect direct sales tax and business tax revenues
Definitions, 21C.1
Powers and duties of authorities awarding contracts, 21C.2
Severability, 21C.4
Purchasing Department
Cash revolving funds, 10.158-1
Sheriff's stores in county jails, see JAILS AND PRISONERS
Software, see Information technology procurement, this heading

— Q —

QUALITY HOUSING AND WORK RESPONSIBILITY ACT OF 1998 (QHWRA) (See RENT REGULATIONS

QUARANTINE
Inspection fees, 1.10-2

QUEER AND QUESTIONING YOUTH
Domestic partnerships, see DOMESTIC PARTNERSHIPS
Youth services sensitivity training, see MINORS

— R —

RADIO COMMUNICATION FACILITIES (See TELECOMMUNICATIONS)

RAILWAY (See also MUNICIPAL RAILWAY)
Audit, App. 32
Street cars, App. 2

REAL PROPERTY (See also CITY BUILDINGS, EQUIPMENT, AND VEHICLES)
Annual reporting and planning, 23.8
Assisted housing preservation, see HOUSING
Burma, city business with prohibited
Contractual services, real and personal property agreements, 12J.3
Definitions, 12J.2
Findings, 12J.1
Implementation reports, 12J.8
Penalties, 12J.7
Public records, 12J.6
Purchase of commodities, 12J.4
Rules and regulations, 12J.5
Severability, 12J.9
Suspension, 12J.10
City property, see CITY BUILDINGS, EQUIPMENT, AND VEHICLES
Contracts, see DISCRIMINATION
Emergency shelter for the homeless, see HOUSING
Fraud prosecution recordation fee, 8.24-5
Historical property, Mills Act contract procedures
Application for contract, 71.3
Approval process, 71.4
Fees, 71.6
Purpose, 71.1
Qualified historic property, 71.2
Terms of the contract, 71.5
Home-ownership Assistance Program, see HOUSING
Homelessness; emergency shelters; housing, see HOUSING
Local Rent Supplement Program in the Office of Mayor, see RENT REGULATIONS
Real Estate Loan Counseling and Education
Findings, 92.1
Pilot consumer loan counseling program, 92.3
Pilot consumer loan education program, 92.2
Purpose, 92.1
Report to Board, 92.4
Relocation Appeals Board, see RELOCATION
Rent regulations, see RENT REGULATIONS

REAL PROPERTY (Cont'd)
Residential Mortgage Revenue Bond Law, see HOUSING
Sale, transfer, or other conveyance of city-owned property
Prior public notice required, 23.7
Shelters for the homeless, see HOUSING
Survey monument preservation fee, 8.24-6
Transactions
Conveyance of real property, 23.3
Deed acceptance by Director of Property and assistant, 23.4
Definitions, 23.2
Director of Property
Deed acceptance, 23.4
Sales, leases, acceptances, and other real estate transactions, 23.1
Expenses of Real Estate Department in connection with leases, acquisitions and conveyances, 23.5
Interdepartmental transfer of real property
Authorized; grounds for, 23.12
Charter or code powers not abridged, 23.11
Consent to transfer
By Mayor and department having jurisdiction, 23.15
Without mayor's or department's consent, 23.18
"Department" construed, 23.10
Director of property's report, 23.14
Filing request for, 23.13
Payment, 23.20
Record of transfer, 23.19
Resolution authorizing transfer, 23.16
Trust violation prohibited, 23.17
Labor representation procedures in hotel and restaurant developments in which the City has ongoing proprietary interests
Application, 23.55
Declarations, 23.50
Definitions, 23.51
Effective date, 23.55
Enforcement, 23.54
Exemptions, 23.53

REAL PROPERTY (Cont'd)
Transactions (Cont'd)
Labor representation procedures in hotel and restaurant developments in which the City has ongoing proprietary interests (Cont'd)
Findings, 23.50
Labor conflict reduction, 23.52
Scope, 23.53
Severability, 23.56
Leases when city is landlord
Advisory review by Director of Property, 23.32
Agreements for private use of City property, 23.38
Competitive bidding procedures, 23.33
Lease of real property, 23.30
Park lands
Construction of water quality and sewer facilities, 23.40
Transfer to the National Park Service of the United States Department of the Interior, 23.41
Possessory interest taxes
Agreements for private use of City property, 23.38
Report of agreement and change of ownership or extension of agreement, 23.39
Taxable interests in tax-exempt real property, 23.39
Public Utilities Commission jurisdiction, 23.36
Re-lease real property to existing tenant on a negotiated basis, 23.35
Real Estate Department to collect rents, 23.37
Recreation and Park Commission jurisdiction, 23.25-2 and 23.25-3
Reporting, 23.34
Sale or lease of certain park land for the construction of water quality and sewerage facilities, 23.40
Sewerage facilities, 23.40
Tax-exempt real property, 23.39
Water quality facilities, 23.40
Year-to-year and shorter leases, 23.31

REAL PROPERTY (Cont'd)
Transactions (Cont'd)
Leases when city is tenant
Director of Property to make leases, 23.25
Execution of leases; resolution authorizing lease, 23.27
Year-to-year and shorter leases, 23.26
Lot line window agreements
Authority of Director of Property, 23.45
Determination of value, 23.46
Fees and fee payments, 23.48
Requirements for, 23.47
Sale, transfer, or other conveyance of city-owned property
Prior public notice required, 23.7
Sale or lease of public utility property, 23.6
War Memorial, see WAR MEMORIAL

REAP — RENT ESCROW ACCOUNT PROGRAM (See RENT REGULATIONS)

RECORDER (See ASSESSOR-RECORDER)

RECORDS AND PUBLICATIONS
Adult Probation Department
Booking fee, 8.38
Project 20 administrative fee, 8.30
Restitution collection fee, 8.31
Restitution fine administrative fee, 8.31-1
Assessor-Recorder's fees, 8.33.2
Assistance programs
Cash Assistance Linked to Medi-Cal (CALM)
Confidentiality, 20.119
Destruction of, 20.120
General Assistance Program
Confidentiality, 20.59.14
Destruction of, 20.59.15
Maintenance of, 20.59.13
Personal Assisted Employment Services (PAES) Program
Confidentiality, 20.88
Destruction of, 20.89

RECORDS AND PUBLICATIONS (Cont'd)
Assistance programs (Cont'd)
Supplemental Security Income Pending (SSIP)
Confidentiality, 20.220
Destruction of, 20.221
Booking fee; sheriff and police departments, 8.27-1
City planning fees, 8.28
Civil Service Commission, inspection and fingerprint fees, 8.26
Classifications of records, 8.4
Clerk of the Board of Supervisors, fees, 8.37
Cost of publication and the like, 8.12.2
County Clerk's fees, 8.33.1
Criminal history records, destruction of, 8.25
Definition of records, 8.1
Departmental rules and regulations, 8.15
Destruction of records
Criminal history records, 8.25
Generally, 8.3
Prerequisites, 8.7
Sale in lieu of destruction, 8.7
Disposal of obsolete law books, 8.8
Disposition of money, 8.12.3
Fees
Adult Probation Department
Booking fee, 8.38
Project 20 administrative fee, 8.30
Restitution collection fee, 8.31
Restitution fine administrative fee, 8.31-1
Assessor-Recorder's fees, 8.33.2
City planning fees, 8.28
Civil Service Commission inspection and fingerprint fees, 8.26
Clerk of the Board of Supervisors, 8.37
County Clerk's fees, 8.33.1
Department of Public Works geographic information system data license agreements; ratification of prior fees, 8.40
Filing of preliminary 20-day notices, 8.24-3
Juvenile Probation Department
Restitution collection fee, 8.36
Step-parent adoptions, 8.36-1
Planning fees, 8.28
Police Department fees, 8.23

RECORDS AND PUBLICATIONS (Cont'd)
Fees (Cont'd)
Preliminary 20-day notices, filing, 8.24-3
Real estate fraud prosecution recordation fee, 8.24-5
Recorder's
Access and indexing fees, 8.24-4
Fees generally, 8.24
Regional transit discount identification card fees, 8.39
Registrar's fees, 8.22
Sheriff's Department fees, 8.27
Small Claims Court judgment debtor fee, 8.32
Survey monument preservation fee, 8.24-6
Tax billing administrative fees, 8.34.1
Tax Collector fees, 8.34
Filing of
Annual reports and official documents with San Francisco Public Library, 8.16
Records, 8.2
Free publications, 8.12.4
Funds
Library Publication Fund, 8.21-1
Municipal Railway Video Production Fund, 8.29
Recorder's
Access and Indexing Fund, 8.24-4
Fund, 8.24-1
Modernization Fund, 8.24-2
Information and Publication Continuing Appropriation Account, 10.100-261
Juvenile Probation Department
Restitution collection fee, 8.36
Step-parent adoptions, 8.36-1
Law books, disposal of obsolete law books, 8.8
Libraries
Library Commission, note cards, 8.21
Library Publication Fund, 8.21-1
San Francisco Public Library, filing reports and documents with, 8.16
Medical Examiner's fees for copies and certain services, 8.14
Money, disposition of, 8.12.3
Municipal Railway Video Production Fund, 8.29
Newspaper, official, see OFFICIAL NEWSPAPERS

RECORDS AND PUBLICATIONS (Cont'd)
Nonprofit organizations, public access to records and meetings of
City undertaking limited to promotion of general welfare, 12L.9
Community representation, 12L.6
Compliance, 12L.7
Costs of compliance, 12L.1
Definitions, 12L.3
Effective date, 12L.10
Intent and interpretation, 12L.1
Public access
Contract language establishing, 12L.2
To meetings, 12L.4
To records, 12L.5
Severability, 12L.8
Planning fees, 8.28
Police Department fees, 8.23
Preliminary 20-day notices, filing fees, 8.24-3
Preservation of records
Essential records, 8.9
Generally, 8.2
Programming time, sale of, 8.12-1
Public libraries, see Libraries, this heading
Real estate fraud prosecution recordation fee, 8.24-5
Recorder's
Access and Indexing Fees and Fund, 8.24-4
Fees, 8.24
Fund, 8.24-1
Modernization Fund, 8.24-2
Records
Center: establishment, use, and the like, 8.5
Classifications, 8.4
Defined, 8.1
Regional transit discount identification card fees, 8.39
Registrar's fees, 8.22
Retention of records, 8.3
Sales of systems time and programming time, 8.12-1
Sheriff's Department fees, 8.27
Small Claims Court judgment debtor fee, 8.32
Sound recordings, 8.3-1
Sunshine ordinance
Citation, 67.2
Findings, 67.1

RECORDS AND PUBLICATIONS (Cont'd)
Sunshine ordinance (Cont'd)
Policy implementation
Department head declaration, 67.33
Enforcement provisions, 67.35
Responsibility for administration, 67.31
Services to other agencies, 67.32
Severability, 67.37
Sunshine Ordinance Task Force, 67.30
Superseding effect, 67.36
Willful failure, 67.34
Public access to meetings
Agendas
And related materials, public records, 67.9
Disclosures, closed sessions, 67.8
Regular meetings, 67.7
Barriers to attendance prohibited, 67.13
Brown Act application, 67.5
Closed sessions
Agenda disclosures, 67.8
Disclosure of discussions and actions, 67.12
Conduct of business, 67.6
Definitions, 67.3
Filming, 67.14
Meetings to be open and public, 67.5
Minutes, 67.16
Passive meetings, 67.4
Photography, 67.14
Place for meetings, 67.6
Public comment by members of policy bodies, 67.17
Public notice requirements, 67.7-1
Public testimony, 67.17
Recording, 67.16
Time for meetings, 67.6
Public information
Calendars of certain officials, 67.29-5
Correspondence and records maintained, 67.29-7
Definitions, 67.20
Fees for duplication, 67.28
Future agreements, 67.29-3
Immediacy of response, 67.25
Index to records, 67.29
Internet access, 67.29-2

RECORDS AND PUBLICATIONS (Cont'd)
Sunshine ordinance (Cont'd)
Public information (Cont'd)
Lobbyist on behalf of city, 67.29-4
Nonexempt public information, 67.24
Outside funding sources, §7.29-6
Policy body communications, 67.23
Public review file, 67.23
Records survive transition of officials, 67.29-1
Release of
Documentary public information, 67.21
Oral public information, 67.22
Withholding
Justification of, 67.27
Minimum, 67.26
Purpose, 67.1
Survey monument preservation fee, 8.24-6
Systems time, sale of, 8.12-1
Tax billing administrative fees, 8.34.1
Tax Collector fees, 8.34

RECREATION (See PARKS AND RECREATION)

REDEVELOPMENT (See also MUNICIPAL FINANCE LAW)
Community redevelopment, see COMMUNITY REDEVELOPMENT
Development agreements, see PLANNING AND DEVELOPMENT
Industrial development, see INDUSTRIAL DEVELOPMENT AUTHORITY

REFUNDING BOND SAVINGS TEST ACT
Alternative savings test for refunding bonds, 43.8.4
Construction, 43.8.5
Definitions, 43.8.3
Name, 43.8.2
Policy declaration, 43.8.1

RESIDENTIAL MORTGAGE REVENUE BOND LAW
Appropriations; no limitation, 43.1.6
Authority
Additional, 43.1.4

RESIDENTIAL MORTGAGE REVENUE BOND LAW (Cont'd)
Authority (Cont'd)
Full, 43.1.3
Bonds
Capitalized bond interest, 43.1.20
Cost of issuance, 43.1.20
Debt of city, 43.1.19
Issuance of bonds, 43.1.18
Lien, 43.1.23
Money or assets, 43.1.23
Personal liability, 43.1.24
Pledge of revenues, 43.1.23
Provisions, 43.1.22
Purchase by city, 43.1.25
Refunding, 43.1.26
Reserve funds, 43.1.20
Terms, 43.1.21
Validity, 43.1.27
Definitions, 43.1.5
Financing residences
Acquisition of residences, 43.1.8
Additional powers, 43.1.17
Charges, 43.1.11
Construction of residences, 43.1.8
Equal opportunity, 43.1.14
Fees, 43.1.9
Insurance, 43.1.10
Leasing of residences, 43.1.8
Loan security, 43.1.12
Loans for residences, 43.1.7
Professional services, 43.1.13
Public works requirements inapplicable, 43.1.15
Regulations, 43.1.16
Rents, 43.1.11
Selling of residences, 43.1.8
Purpose, 43.1.2
Supplemental provisions
Article controlling, 43.1.30
Liberal construction, 43.1.28
Omissions not to affect validity of bonds, 43.1.29
Severability, 43.1.31.
Title, 43.1.1

REFUSE (See WASTE MATERIALS)

REGIONAL TRANSIT
Discount identification card fees, 8.39

REGISTRAR
Fees, 8.22

REHABILITATION
Community Mental Health Services Vocational Rehabilitation Revolving Fund, 10.154-1
Housing Code Enforcement Loan Program, see HOUSING
Residential rehabilitation, see RESIDENTIAL REHABILITATION LOAN PROGRAM

REIMBURSEMENT
Travel expenses, see OFFICERS AND EMPLOYEES

RELOCATION
Assistance
Assisted housing preservation, benefits for displacement due to conversion, 60.7
Housing Code Enforcement Loan Program, 40.30
Lead hazard remediation
Conditions for relocation assistance, 72.3
Definitions, 72.2
Enforcement, 72.7
Extensions to payment of relocation assistance, 72.4
Intent, 72.1
Penalty, 72.6
Purpose, 72.1
Rent increases during lead hazard work, 72.5
Violation, 72.6
Residential Rehabilitation Loan Program
Administration of, 32.91
Generally, 32.90
Relocation Appeals Board
Appointment, 24B.1
Complaints, adjustment and settlement of, 24B.7
Establishment, 24B.1
Funding, 24B.1
Individual remedies, 24B.8

RELOCATION (Cont'd)
Relocation Appeals Board (Cont'd)
Meeting
Notice of, 24B.4
Place of, 24B.3
Public meetings, 24B.10
Time of, 24B.3
Powers and duties, 24B.6
Quorum, 24B.5
Redevelopment concerns, 24.7
Repeal, 24B.9
Scope, 24B.2
Severability, 24B.11
Staff, 24B.1
Terms, 24B.1
Seismic work, rent reduction and relocation plan for tenants inconvenienced by
Applicability, 65.1
Habitable rooms, kitchens, 65.4
Notice to tenants, 65.2
Relocation
Assistance notice, 65.7
Expenses, 65.8
Maximum costs, 65.9
Payments, 65.10
Requirements, 65.6
Rent reduction
Formula, 65.5
Generally, 65.3
Payments, 65.10

RENT REGULATIONS
Emergency shelter for the homeless, see HOUSING
General Assistance Program, mandatory direct rent payment program, 20.59.2
Housing generally, see HOUSING
Lead hazard work, rent increases during, 72.5
Leasing regulations, see REAL PROPERTY
Local Rent Supplement Program in the Office of Mayor
Administration and related expenditures, 24A.04
Authority of Mayor to execute contracts, 24A.03
Certificate of eligibility, 24A.09
Change in tenant income status, 24A.18

RENT REGULATIONS (Cont'd)
Local Rent Supplement Program in the Office of Mayor (Cont'd)
Definitions, 24A.01
Eligible housing owner, 24A.07
Form of lease, 24A.16
Funds allocated to Mayor, 24A.02
Hardship cases, 24A.14
Housing owner's obligation under contract to report tenant income increase, 24A.17
Maximum payments under contract for each tenant, 24A.11
Other laws and regulations, 24A.20
Projects eligible for benefits and authority of Mayor to contract, 24A.06
Qualified tenant, 24A.08
Recertification of income under contract, 24A.13
Rules and regulations by Mayor, 24A.19
Scope of rent supplement assistance, 24A.05
Severability, 24A.21
Tenant occupancy limitations, 24A.15
Term of contract, 24A.10
Time of payment under contract, 24A.12
Residential Rent Assistance Program for Persons Disqualified from Federal Rent Subsidy Programs by the Federal Quality Housing and Work Responsibility Act of 1998 (QHWRA)
Establishment of program, 84.2
Findings, 84.1
Funding procedure, 84.3
General welfare, 84.4
Severability, 84.5
Rent control, Apps. 26 and 50
Rent Escrow Account Program (REAP)
Abatement costs, 74.9
Applicability of residential rent stabilization and arbitration regulations, 74.15
Definitions, 74.2
Duties of the Director, Department of Public Health, 74.6 and 74.12
Effects on tenants' rights, 74.13
Escrow account, 74.6
Expenditure of funds for REAP purposes, 74.7
General, 74.1
Liens, 74.9

RENT REGULATIONS (Cont'd)
Rent Escrow Account Program (REAP) (Cont'd)
Manner of service for use of REAP funds, 74.8
Payment of administrative costs, 74.11
Precertification procedures, 74.5
REAP funds, 74.3
Refund of REAP funds, 74.10
Supplemental sources of funds, 74.14
Use of abatement funds, 74.4
Rental deposit refund, Civic Auditorium and Moscone Convention Center, 4.23
Residential Rehabilitation Loan Program, rent increases
Limitations
Areas designated on or after July 1, 1977, 32.73-1
Areas designated prior to July 1, 1977, 32.73
Sanctions for violation of, 32.75
Protest procedures, 32.74
Residential Rent Assistance Program for Persons Disqualified from Federal Rent Subsidy Programs by the Federal Quality Housing and Work Responsibility Act of 1998 (QHWRA)
Establishment of program, 84.2
Findings, 84.1
Funding procedure, 84.3
General welfare, 84.4
Severability, 84.5
Residential rent stabilization and arbitration, Apps. 23A and 44
Appeal procedures, 37.8B
Arbitration of rental increase adjustments, 37.8
Cash revolving funds, 10.169-8
Certification of rental increases for capital improvements
Authorized, 37.7
Moratorium, 37.8C
Civil actions, 37.11A
Definitions, 37.2
Enforcement provisions, 37.10A
Evictions, 37.9
Fee
Findings, 37A.2
Imposition of the fee, 37A.4

RENT REGULATIONS (Cont'd)
Residential rent stabilization and arbitration (Cont'd)
Fee (Cont'd)
Notice, Manner of giving, 37A.8
Purpose, 37A.3
Recovery; limitations, 37A.6
Residential Rent Stabilization and Arbitration Fund, 37A.5
Rules and regulations, 37A.7
Scope, 37A.1
Severability, 37A.9
Findings, 37.1
Fund, 10.100-270
Hearings
Capital improvements resulting from certain seismic work, 37.8B
Expedited hearing procedures, 37.8A
Hearing and appeal procedures, 37.8B
Keys, 37.13
Misdemeanors, 37.10A
Passthrough moratorium, 37.8C
Rehabilitation and energy conservation, 37.7
Rent limitations, 37.3
Residential hotel visitor policies
Hearings, remedies for violation, 37.14
Residential Rent Stabilization and Arbitration Board
Appointment, 37.4
Cash revolving fund, 10.169-8
Compensation, 37.4
Establishment, 37.4
Executive Director, 37.4
Funding, 37.4
Meetings, 37.5
Powers and duties, 37.6
Terms, 37.4
Severability, 37.15
Tenant rights
Certain displacements under section 37.9(a)(13), 37.9A
Evictions under Section 37.9, 37.9B
Title, 37.1
Transitional provisions, 37.12
Security deposits for residential rental property
Definitions, 49.1
Payment of interest on, 49.2

RENT REGULATIONS (Cont'd)
Security deposits for residential rental property (Cont'd)
Remedies, 49.3
Severability, 49.5
Waiver, 49.4
Seismic work, rent reduction and relocation plan for tenants inconvenienced by
Applicability, 65.1
Habitable rooms, kitchens, 65.4
Moratorium exemption, 37.8C
Notice to tenants, 65.2
Relocation
Assistance notice, 65.7
Expenses, 65.8
Maximum costs, 65.9
Payments, 65.10
Requirements, 65.6
Rent reduction
Formula, 65.5
Generally, 65.3
Payments, 65.10

REPRESENTATION
Certain organizations
Annual dues and expenses, 16.6-1
Annual report of memberships, 16.6
Attending meetings or conventions, 16.6-1
Memberships authorized, 16.6
Representatives at meetings, 16.6-2
Voting contrary to city policy, 16.6-2

RESIDENCY REQUIREMENTS
Assistance programs
Cash Assistance Linked to Medi-Cal (CALM), 20.105.1
General Assistance Program, 20.56.8
Personal Assisted Employment Services (PAES) Program, 20.75.1
Supplemental Security Income Pending (SSIP), 20.205.1

RESIDENTIAL HOTELS
Unit conversion and demolition
Administration, 41.11
Annual review of status, 41.21
Annual unit usage report, 41.10

RESIDENTIAL HOTELS (Cont'd)
Unit conversion and demolition (Cont'd)
Applicability of chapter, 41.5
Construction, 41.22
Definitions, 41.4
Demolition, 41.18
Exemptions, applicability of chapter, 41.7
Findings, 41.3
Initial status determination, 41.6
Nonprofit organizations, requirements, 41.8
Occupancy, temporary change of, 41.19
One-for-one replacement, 41.13
Permanent residents, rights of, 41.17
Permit to convert
Appeal of denial or approval of, 41.16
Approval of, 41.15
Generally, 41.12
Issuance of, 41.15
Mandatory denial of, 41.14
Purpose, 41.2
Records of use, 41.9
Temporary change of occupancy, 41.19
Title, 41.1
Unlawful conversion, remedies, fines, 41.20
Visitor policies
Amendment of criteria and procedures for approving supplemental visitor policies, 41D.6
Hotel occupant petitions for violation of chapter, 41D.7
Hotel operator petitions, 41D.5
Initial approval, 41D.3
Limitation of liability, 41D.8
Purpose, 41D.2
Required goals, 41D.4
Residential Rent Arbitration and Stabilization Board; authority, 41D.3
Review and amendment of the Uniform Visitor Policy, 41D.6
Severability, 41D.9
Single Room Occupancy Hotel Safety and Stabilization Task Force; authority, 41D.3
Title, 41D.1

RESIDENTIAL MORTGAGE REVENUE BOND LAW
Appropriations; no limitation, 43.1.6
Authority; additional, 43.1.4
Authority; full, 43.1.3
Bonds
Capitalized bond interest, 43.1.20
Cost of issuance, 43.1.20
Debt of city, 43.1.19
Issuance of bonds, 43.1.18
Lien, 43.1.23
Money or assets, 43.1.23
Personal liability, 43.1.24
Pledge of revenues, 43.1.23
Provisions, 43.1.22
Purchase by city, 43.1.25
Refunding, 43.1.26
Reserve funds, 43.1.20
Terms, 43.1.21
Validity, 43.1.27
Definitions, 43.1.5
Financing residences
Acquisition of residences, 43.1.8
Additional powers, 43.1.17
Charges, 43.1.11
Construction of residences, 43.1.8
Equal opportunity, 43.1.14
Fees, 43.1.9
Insurance, 43.1.10
Leasing of residences, 43.1.8
Loan security, 43.1.12
Loans for residences, 43.1.7
Professional services, 43.1.13
Public works requirements inapplicable, 43.1.15
Regulations, 43.1.16
Rents, 43.1.11
Selling of residences, 43.1.8
Purpose, 43.1.2
Supplemental provisions
Article controlling, 43.1.30
Liberal construction, 43.1.28
Omissions not to affect validity of bonds, 43.1.29
Severability, 43.1.31.
Title, 43.1.1

RESIDENTIAL REHABILITATION LOAN PROGRAM
Administration of program
Management of bond proceeds, 32.22
Notice of defaults and foreclosures, 32.24
Publication of explanatory brochure, 32.25
Recommendation of fees, charges and interest rates on financing, 32.23
Responsibility for, 32.20
Rules and regulations, 32.21
Area Rent Committee, 32.34
Availability of rehabilitation financing in face areas, 32.93
Board of Supervisors, responsibilities
Approval of fees, charges and interest rates on financing, 32.13
Designation of residential rehabilitation areas, 32.12, 32.43
Enforce rehabilitation standards and implement plan for public improvements, 32.11
Issuance of bonds, 32.10
Revision of loan charges, 32.14
Citizens Advisory Committee
Functions, 32.31
Membership, 32.30, 32.30-1
Construction of chapter, 32.94
Conversion to state or federal program, 32.92
Definitions, 32.2
Designation of residential rehabilitation areas
Designation by Board of Supervisors, 32.43
Initial selection of areas for designation by Director of Planning, 32.41
Provisions supercede Section 301.A of Housing Code, 32.40
Recommendation of designation by Chief Administrative Officer, 32.42
Effect of chapter, 32.94
Finder's fee, 32.91-1
Hardship loans
Additional loan terms, 32.86
Eligibility, 32.81
Maximum amount of loan, 32.81
Security, 32.85
Source of funds, 32.87
Term of, 32.82
Transferability of, 32.83
Use, 32.80

RESIDENTIAL REHABILITATION LOAN PROGRAM (Cont'd)
Hardship loans (Cont'd)
Use in conjunction with the conventional rehabilitation assistance program loan, 32.84
Limitations on amount of loan
Limitation
Based on fair market value of work, 32.54
Use of loan for general property improvements, 32.52
Maximum
Amount of loan, 32.51
Indebtedness on property, 32.50
Refinancing, 32.53
Loan Committee
Functions, 32.33
Membership, 32.32
Plan for public improvements, 32.44
Purpose, 32.1
References to public officials and public agencies, 32.3
Relocation assistance
Administration of, 32.91
Generally, 32.90
Severability, 32.95
Terms of conventional RAP loans
Eligibility for loans, 32.60
Enforcement of loan provisions, 32.72
Equal employment opportunity, 32.71
Evictions, 32.75-1
Impound account, 32.65
Initiation of payments after rehabilitation, 32.61
Insurance, 32.64
Interest rates and other loan charges, 32.67
Maximum repayment period for loan, 32.61
Open housing, 32.70
Performance of work by licensed general building contractor, 32.71-1
Prepayment penalties, 32.62
Rent increase
Limitations
Areas designated on or After July 1, 1977, 32.73-1
Areas designated prior to July 1, 1977, 32.73

RESIDENTIAL REHABILITATION LOAN PROGRAM (Cont'd)
Terms of conventional RAP loans (Cont'd)
Rent increase (Cont'd)
Limitations (Cont'd)
Sanctions for violation of, 32.75
Protest procedures, 32.74
Security for loan, 32.63
Tenant moving costs and right of first refusal, 32.69
Transfer of loans, 32.66
Variable interest rate, 32.68

RESIDENTIAL RENT STABILIZATION AND ARBITRATION (See RENT REGULATIONS)

RESIDENTIAL TENANT COMMUNICATIONS
Findings, 49A1
Landlord may establish regulations, 49A.2
Literature
Commercial literature, inapplicability, 49A.3
Distribution authorized, 49A.2
Other rights or remedies, 49A.3

RESIDENTIAL UTILITY TAX, App. 16

RESIGNATIONS OF CITY OFFICERS
Effective date, 16.89-16
Method of resignation, 16.89-15
Temporary service, 16.89-18
Vacancies in office, 16.89-17

RESTAURANTS
Labor representation in certain hotels and restaurants, see LABOR RELATIONS

RETIREMENT
Actuarial valuation, 16.37-2
Allowances
Female with surviving spouse, 16.80-7
Method of payment of allowances, 16.76
Optional upon retirement
After 3/31/66 under Section 16.70-1(b), 16.70-3
Allowance payable for time commencing 7/1/74, 16.70-4
Generally, 16.70-1
Modifications of allowances, 16.75

RETIREMENT (Cont'd)
Allowances (Cont'd)
Optional upon retirement (Cont'd)
Payment plan No. 2 or No. 3, 16.80-4
Audit, annual, 16.41
Average final compensation, meaning of, 16.30-1
Beneficiaries
Duties generally, 16.45
Generally, 16.79
Benefits
Administration of under Workers' Compensation Act, 16.82
Amended, App. 60
Determination of service credit, 16.37-4
Effect of compensation benefits on other benefits under article, 16.84
Nonassignable, 16.32
Not subject to garnishment, 16.32
Optional modification of benefits for former spouse, 16.75-1
Public Employees' Retirement System, 16.81
Reciprocal benefits, 16.55-6
Time to apply for after death of member, 16.34
Under prior systems continued, 16.49
Board
Deferred compensation plan administration, 16.320
Defined, 16.29-4
Estimates by Board of length of service and the like, 16.38
MacBride Principles and the Retirement Board and System, 12F.4
Powers and duties generally, 16.37
Subpoenas, power to issue, 16.37-9
Trustees, election, see ELECTIONS
Witnesses appearing before, compensation, 16.33
Buy backs, pre-tax treatment of, 16.61-4
Cash revolving funds, retirement system, 10.169-1
Compulsory retirement, 16.70-2
Contributions
Acceptance of cash payments, 16.54
Additional contributions, 16.55
Deduction of members' contributions, 16.54
Election to contribute and receive credit for public service, 16.55-2

RETIREMENT (Cont'd)
Contributions (Cont'd)
Interest, 16.37-1
Public Service Credit, 16.55-3
Records as to accumulated contributions, 16.37-3
Withdrawal of accumulated contributions made pursuant to 16.55-5, 16.56
Controller's annual audit, 16.41
Death after retirement
Allowances payable without modification or per options 1 or 2, 16.80-5
Continuation to surviving spouse of female member, 16.80-6, 16.80-6.1
Persons retired prior to April 1, 1966, 16.80-1 to 16.80-3
Death benefits, 16.80
Death of member
Time to apply for benefits after, 16.34
Definitions
Actuarial equivalent, 16.29-1
Annuity, 16.29-2
Beneficiary, 16.29-3
Board, 16.29-4
Charter, 16.29-22
City, 16.29-5
City and county service, 16.29-6
Compensation
Average final compensation, 16.30-1
Distinguished from benefits, 16.29-7.1
Earnable by a member, 16.29-7.2
Final compensation, 16.29-7.3
Paid in lieu of vacation excluded, 16.29-7.4
Types of, 16.29-7
Continuous service, 16.29-8
Contributions
Accumulated additional contributions, 16.29-9.1
Accumulated contributions, 16.29-9.2
Accumulated normal contributions, 16.29-9.3
Accumulated prior contributions, 16.29-9.7
Accumulated retroactive contributions, 16.29-9.9
Additional contributions, 16.29-9.4

RETIREMENT (Cont'd)
Definitions (Cont'd)
Contributions (Cont'd)
Normal contributions, 16.29-9.5
Prior contributions, 16.29-9.6
Retroactive contributions, 16.29-9.8
Types of, 16.29-9
Death allowance, 16.29-10
Employee, 16.29-11
Fire Department member, 16.29-13
Gender, 16.29-23
Generally, 16.29
Member, 16.29-12
Number, 16.29-23
Pension, 16.29-14
Police Department member, 16.29-13
Prior service
Excluded because of employment in temporary position, 16.29-15.11
Fire Department members, 16.29-15.2
Health service system employees prior to December 1, 1940, 16.29-15.10
Part-time position, 16.29-15.12
Police Department members, 16.29-15.2
Teachers, 16.29-15.1
Public service, 16.55-1
Regular interest, 16.29-16
Retirement allowance, 16.29-17
School Department, 16.29-20
Teacher, 16.29-21
Department head to notify of change of status of members, 16.44
Determination of service credit, 16.37-4
Disability retirement
Engaging in gainful occupation after retirement period, 16.74
Medical examinations, 16.74
Medical grounds, 16.71
Re-entry into service, 16.74
Estimates by Board of length of service and the like, 16.38
Excess retirement benefits, 16.37-8
Fire Department
Heart trouble or pneumonia, when presumed in course of employment, 16.85, 16.86
Member change to another department, 16.52

RETIREMENT (Cont'd)
Garnishment, benefits not subject to, 16.32
Interest, 16.37-1
Internal Revenue Code
Section 401 limitations, 16.61-3
Section 414(h)(2) implementation, 16.61-1
Section 415 limitations, 16.61-2
MacBride Principles, effect, 12F.4
Members
Duties generally, 16.45
When membership ceases, 16.46
Payments into fund made obligation of city; appropriations to cover obligation, 16.67
Persons included in system, 16.42
Police Department
Heart trouble or pneumonia, when presumed in course of employment, 16.85, 16.86
Transfers to another department, 16.52
Position in city service not permitted after retirement; exceptions, 16.77
Pre-tax treatment of buy backs, 16.61-4
Prior service credit
Calculation of
Based on part-time services, 16.37-7
Generally, 16.37-6
Generally, 16.37-5
Hetch Hetchy project employees, 16.43-1
Unified School District
employees, 16.37-4.1
Public service
Contributions for public service credit, 16.55-3
Credit in retirement system for, 16.55-4
Defined, 16.55-1
Election to contribute and receive credit for, 16.55-2
Re-entry into system, payments after, 16.48
Reciprocal benefits
Generally, 16.55-6
Internal reciprocity of pension benefits within the retirement system, 16.55-7
Redeposits, 16.47
Rollovers, 16.61-5
Rules and regulations, 16.55-5
Social Security Act
Allowance reduced, 16.88-5
Conditions under Section 210(L) of, 16.88-1

RETIREMENT (Cont'd)
Social Security Act (Cont'd)
Effective date of coverage under social security retroactive, 16.88-6
Member covered under federal social security, 16.88-3
Member's option, 16.88-2
Retirement before minimum age under social security, 16.88-7
Right to reduce contributions, 16.88-4
Subpoenas, power to issue, 16.37-9
Supplemental tax deferred plan
Administrative costs, 16.62-3
Establishment, 16.62
Purpose, 16.62-1
Retirement board; administration, 16.62-2
Termination of membership, 16.46
Transfers, 16.61-5
Trustees of the Retirement Board, election, see ELECTIONS
Unified School District
Authority of General Manager, 16.89-13
Benefits for credited service, 16.89-9
Death benefit, 16.89-7
Election by person who vested, 16.89-5
Election for refund, 16.89-9
Funds to be deposited with State Teachers' Retirement System , 16.89-10
Health service system coverage, 16.89-6, 16.89-8
Permanent fund benefit, 16.89-12
Persons affected, 16.89-4
Purpose, 16.89-3
Redeposit, 16.89-14
Service Credit, post 6/30/72 teachers, 16.89-11
Waiver of pensions, signing and filing, effective date, waiver forms, 16.87
Withdrawals, 16.47
Witnesses before Board, compensation, 16.33
Workers' Compensation
Administration of benefits under Act, 16.82
Department responsibility for costs, 2A.31

REVENUE (See also MUNICIPAL FINANCE LAW)
Bonds, see BONDS

REVENUE (Cont'd)
Generally, see FINANCE AND TAXATION
Price adjustments in procurement contracts to reflect direct sales tax and business tax revenues
City undertaking limited, 21C.3
Definitions, 21C.1
Powers and duties of authorities, 21C.2
Severability,

REWARDS
Cash revolving funds
Damage, destruction, or theft of property, 10.177-1
Firearms
Discharging firearm at peace officers or firemen, 10.174
Findings, 10.173
Ineligible Persons, 10.176
Payment, 10.177
Willful misconduct resulting in injury or death, 10.177-1

RIGHT-TO-KNOW ACT OF 1988, App. 40

— S —

SALARY AND WAGES
Assistance programs, salary proration
General Assistance Program
Over contract period, 20.56.2
School district, university, community colleges employees, 12-month period, 20.56.1
Self-employed and freelance worker over a 12-month period, 20.56.4
Personal Assisted Employment Services (PAES) Program
Over contract period, 20.75.3
School district, university, community colleges employees, 12-month period, 20.75.2
Self-employed and freelance worker over a 12-month period, 20.75.4
Over Contract Period, 20.205.4
School district, university, community colleges employees, 12-month period, 20.205.3

SALARY AND WAGES (Cont'd)
Assistance programs, salary proration (Cont'd)
Supplemental Security Income Pending
Self-employed and freelance worker over a 12-month period, 20.205.5
Compensation minimums; contractors
Administration, 12P.6
City department cooperation, 12P.11
Components, 12P.3
Contract requirements, 12P.5
Definitions, 12P.2
Effective date, 12P.15
Enforcement, 12P.6
Preemption, 12P.14
Relationship to other requirements, 12P.12
Report by airport director, 12P.13
San Francisco International Airport, 12P.4
Severability, 12P.16
Title, 12P.1
Waivers
By the agency, 12P.7
By Public Utilities Commission, 12P.9
Nonprofit corporations, 12P.8
Through collective bargaining, 12P.10
Deductions
Charitable deductions, 16.93-1
Controller authorized to deduct, 16.90
Fees for collection of deductions, 16.92
Joint Fundraising Drive (annual)
Duties and obligations
Mayor, Controller, and Director of Administrative Services, 16.93-3
Participating agencies, 16.93-5
Generally, 16.93-1
Schedule, 16.93-4
Selection of eligible agencies, 16.93-2
Organizations; eligible for, 16.93
Payment of balance to organizations, 16.92
Procedure for administering article, 16.91
Deferred compensation plan
Administration by retirement board, 16.320
Administrative costs, 16.326
Deferred compensation plan (Cont'd)
Establishment of, 16.301
Purpose, 16.302
Interim positions, salary adjustments, 3.16
Military leave, payment of salaries for thirty-day period, 16.1

SALARY AND WAGES (Cont'd)
Minimum wage, App. 68
Amendment by Board of Supervisors, 12R.13
Application of minimum wage to welfare-to-work programs, 12R.10
Authority, 12R.2
Definitions, 12R.3
Effective date, 12R.11
Enforcement, 12R.7
Established, 12R.4
Implementation, 12R.7
Notice, posting and payroll records, 12R.5
Relationship to other requirements, 12R.9
Retaliation prohibited, 12R.6
Severability, 12R.12
Title, 12R.1
Waiver through collective bargaining, 12R.8
Welfare-to-work programs, 12R.10
Overpayment of salary or wages, 10.27
Payroll procedure
Death of employee, designation of person to receive warrants or checks, 18.7.1
Department head defined, 18.1
Employee information reports, 18.14
Fair Labor Standards Act, 18.12
Overtime
Maximum permissible, 18.13-1
Reporting, 18-13-5
Payroll generally, 18.2
Persons designated to certify as to oath of allegiance, 2A.32
Work period, 18.12
Prevailing wages, see CONTRACT PROCEDURES
Seismic Safety Loan Program
Base wages, 66A.18
Prevailing wages, 66A.19
Supervisors, App. 62

SALE OF LAND, App. 36

SALES TAX FOR TRANSPORTATION, App. 67

SAN FRANCISCO BOND FACILITATION ACT
Authority in addition to special provisions, 43.7.6
Construction, 43.7.7
Definitions, 43.7.3
Interest payments, 43.7.4
Issuance by governing body authority, 43.7.5

SAN FRANCISCO BOND FACILITATION ACT (Cont'd)
Name, 43.7.2
Policy declaration, 43.7.1

SAN FRANCISCO GENERAL HOSPITAL (See HOSPITALS)

SAN FRANCISCO REFUNDING REVENUE BOND ACT
Additional procedures, 43.6.5
Amendments, 43.6.4
Construction, 43.6.7
Name, 43.6.2
Net debt savings calculation, 43.6.6
Policy declaration, 43.6.1
Procedure, 43.6.3

SCALES (See WEIGHTS AND MEASURES)

SCHOOLS (See also INTERNSHIPS, RETIREMENT, UNIFIED SCHOOL DISTRICT, and UNIVERSITIES
Salary proration
General Assistance Program, 20.56.1
Personal Assisted Employment Services (PAES), 20.75.2
Supplemental Security Income Pending (SSIP), 20.205.3

SEAL
City-owned passenger automobiles, color, 4.10
Corporate seal, 1.6

SEALER (See WEIGHTS AND MEASURES)

SECURITIES
Custody of, 10.19-2
Securities and monies in Treasury, 10.81
Trust securities, sale of
Auction procedure or private sale, 10.52
Endorsement by Mayor, 10.56
Expense of sale, 10.54
Fixing price, 10.51
Minimum sales price, approval of, 10.53
Notice of sale, 10.52
Private sale procedure, 10.52
Retirement System; inapplicability, 10.55
Sale authorized, 10.50

SECURITY DEPOSITS
Rental deposit refund, Civic Auditorium and Moscone Convention Center, 4.23
Residential rental property (see also RENT REGULATIONS)
Definitions, 49.1
Payment of interest on, 49.2
Remedies, 49.3
Severability, 49.5
Waiver, 49.4

SEISMIC SAFETY AND RETROFIT (See EARTHQUAKES)

SETTLEMENT OF CLAIMS (See ACTIONS AND PROCEEDINGS)

SEWERS
Service rates, fees and charges, Apps. 39 and 57
Sewer, water and other connections, 1.53

SEXUAL HARASSMENT POLICY, 16.9-25

SEXUAL ORIENTATION
Domestic partnerships, see DOMESTIC PARTNERSHIPS
Youth services sensitivity training, see MINORS

SEXUAL PRIVACY ORDINANCE, CITY EMPLOYEES
Exceptions, 12E.4
Findings, 12E.2
Prohibited practices, 12E.3
Short title, 12E.1

SHELTERS
Emergency shelter for the homeless, see HOUSING
Shelter Monitoring Committee
Attendance requirement, 20.308
Committee report; initial, 20.311
Definitions, 20.301
Duties, 20.304
Establishment, 20.302
Findings, 20.300
Limitation of liability, 20.309

SHELTERS (Cont'd)
Shelter Monitoring Committee (Cont'd)
Local Homeless Coordinating Board coordination, 20.312
Meetings, 20.307
Membership, 20.305
Organization, 20.305
Powers, 20.304
Purpose, 20.303
Severability, 20.310
Terms of office, 20.306

SHERIFF (See LAW ENFORCEMENT)

SICK LEAVE
Catastrophic sick leave policy, transfer of sick leave and vacation credits
Ill employees, 16..9-29A
Ill family members, 16.9-29B

SISTER-CITY COMMITTEE FUND, 10.100-127

SMALL BUSINESS
Revolving Loan Fund, 10.100-129
Small Business Commission
Created, 2.40
Powers and duties, 2.40

SMALL CLAIMS COURT
Judgment debtor fee, 8.32

SMOKING POLLUTION CONTROL, App. 8

SOCIAL SECURITY
Retirement system
Allowance reduced, 16.88-5
Conditions under Section 210(L) of, 16.88-1
Effective date of coverage under social security retroactive, 16.88-6
Member covered under federal social security, 16.88-3
Member's option, 16.88-2
Member's right to reduce contributions, 16.88-4
Retirement before minimum age under social security, 16.88-7

SOCIAL SERVICES
Assistance programs, see ASSISTANCE PROGRAMS
Case history disposition after three years, 20.31
Commission, collection of accounts, 10.41-1
Delinquency Prevention Commission
Appointment, 20.51
Composition, 20.50
Establishment; purpose, 20.50
Expenses, 20.51
Funding, 20.52
Terms, 20.51
Vacancies, 20.51
Fingerprint imaging of human services clients prohibited, 20.30
Handicapped children, see Disabled children, this heading
Indigent persons, see ASSISTANCE PROGRAMS
Mental health, see MENTAL HEALTH SERVICES
Public health, see HEALTH
Youth services, see MINORS

SOFTWARE (see generally INFORMATION TECHNOLOGY)

SOLAR ENERGY
Revenue bond, App. 54

SOLICITATION, Apps. 22 and 69

SOLID WASTE (See WASTE MATERIALS)

SONG
Official songs designated, 1.5-1

SOUND RECORDINGS, 8.3-1

SOUTHEAST COMMUNITY FACILITY COMMISSION
Appointment, 54.2
Compensation, 54.2
Establishment, 54.2

SOUTHEAST COMMUNITY FACILITY COMMISSION (Cont'd)
Executive Director, 54.2
Findings, 54.1
Meetings, 54.2
Powers and duties, 54.3
Surplus funds, 54.4
Terms, 54.2

SPECIAL ASSESSMENTS (See ASSESSMENTS)

SPECIAL GAS TAX STREET IMPROVEMENT FUND, 10.100-299

SSIP - SUPPLEMENTAL SECURITY INCOME PENDING (See ASSISTANCE PROGRAMS)

STADIUM OPERATOR ADMISSION TAX, App. 43

STATE
Aid for Alcoholism Programs, cash revolving funds, 10.172
Environmental quality and environmental impact, see ENVIRONMENTAL REGULATIONS
Legislation Committee
Action in absence of action by Board of Supervisors, 5.10
Chairman, 5.7
Composition, 5.7
Consideration of pending state legislation, 5.5
Created, 5.5
Duty to study proposals and make recommendations, 5.6
Establishment of policy without reference to Committee, 5.11
Meetings, 5.8
Report of proceedings, 5.9
Lobbyists, see LOBBYISTS
Public health contracts
California Department of Public Health, 19A.5

STEP (See SUPPORTIVE TRANSITIONAL EMANCIPATION PROGRAM)

STREETS
Artists, App. 5
Citizens Advisory Committee for Street Utility Construction
Duties, 5.66
Generally, 5.64
Meetings, 5.65
Funds
Artist Fund, 10.100-32
Damage Restoration Fund, 10.100-239
Lighting
Cost of
Facilities in work done by city for street improvements, 25.4
Underground facilities in new streets and new subdivisions, 25.3
Inclusion of street lighting in plans for street openings and improvements, 25.2
Underground facilities to be shown on plans for new streets and subdivisions, 25.1
Utilities Commission to determine street lighting specifications, 25.6
When facilities become city and county property, 25.5

[The entry for streets *continues on page 103.]*

[The next page is number 103.]

STREETS (Cont'd)
Public works
Contracts, see CONTRACT PROCEDURES
Department, see DEPARTMENT OF PUBLIC WORKS
Railway cars, App. 2
Repair of accepted streets, 1.52
Street Utilities Coordinating Committee
Duties, 5.62
Generally, 5.60
Meetings, 5.61
Subcommittees, 5.63

STUDENTS
Assistance programs, rebuttable presumption of ineligibility
General Assistance Program, 20.56.5
Personal Assisted Employment Services (PAES) Program, 20.75.6
Intern training for public service programs
Duties of interns, 16.9-21
Hold harmless clause, 16.9-22

SUBCONTRACTORS (See CONTRACT PROCEDURES)

SUBDIVISIONS
Environmental quality and environmental impact, see ENVIRONMENTAL REGULATIONS
Street lighting
Cost of
Facilities in work done by city for street improvements, 25.4
Underground facilities in new streets and new subdivisions, 25.3
Inclusion of street lighting in plans for street openings and improvements, 25.2
Underground facilities to be shown on plans for new streets, subdivisions, 25.1
Utilities Commission to determine street lighting specifications, 25.6
When facilities become city and county property, 25.5
Water limitations for landscaping in new developments and landscaping renovations
Applicability, 63.1
Application approval for new service, 63.8

SUBDIVISIONS (Cont'd)
Water limitations for landscaping in new developments and landscaping renovations (Cont'd)
Definitions, 63.2
Inspection, 63.7
Irrigation systems
Design and use restrictions, 63.5
Plan submission, 63.3
Landscaping plan submission, 63.3
Maintenance schedule, 63.6
Planting design restrictions, 63.4
Purpose, 63.1
Severability, 63.9
Soil analysis report submission, 63.3
Water department fees, 63.10

SUBPOENAS
City Attorney subpoena power
Local law enforcement, 2A.230
State law enforcement, 2A.231
Retirement Board, power to issue, 16.37-9

SUBSTANCE ABUSE
Public Health Substance Abuse and Crime Prevention Act Trust Fund, 10.100-221

SUNSHINE ORDINANCE
Amended, App. 47
Citation, 67.2
Findings, 67.1
Policy implementation
Department head declaration, 67.33
Enforcement provisions, 67, 35
Responsibility for administration, 67.31
Services provided to other agencies, 67.32
Severability, 67.37
Sunshine Ordinance Task Force, 67.30
Willful failure, 67.34
Public access to meetings
Agendas
Disclosures, closed sessions, 67.8
Regular meetings, 67.7
Related materials, public records, 67.9
Barriers to attendance prohibited, 67.15
Brown Act application, 67.5

SUNSHINE ORDINANCE (Cont'd)
Public access to meetings (Cont'd)
Closed sessions
Agenda disclosures, 67.8
Discussion and action disclosure, 67.12
Public facilities and employees, 67.10
Statement of reasons for, 67.13
Conduct of business, 67.6
Definitions, 67.3
Meetings to be open and public, 67.5
Minutes, 67.16
Passive meetings, 67.4
Photography, 67.14
Place for meetings, 67.6
Public comment by members of policy bodies, 67.17
Public notice requirements, 67.7-1
Public testimony, 67.15
Recording, 67.14
Time for meetings, 67.6
Public information
Calendars of certain officials, 67.29-5
Correspondence and records maintained, 67.29-7
Definitions, 67.20
Fees for duplication, 67.28
Future agreements, 67.29-3
Immediacy of response, 67.25
Index to records, 67.29
Internet access standards, 67.29-2
Lobbyist on behalf of the city, 67.29-4
Nonexempt public information, 67.24
Outside funding sources, 67.29-6
Policy body communications, 67.23
Public review file, 67.23
Records survive official transition, 67.29-1
Release of
Documentary public information, 67.21
Oral public information, 67.22
Withholding
Justification of, 67.27
Minimum, 67.26
Purpose, 67.1

SUPPLEMENTAL SECURITY INCOME PENDING - SSIP (See ASSISTANCE PROGRAMS)

SUPPLEMENTAL TAX DEFERRED PLAN (See RETIREMENT)

SUPPORTIVE TRANSITIONAL EMANCIPATION PROGRAM (STEP)
Participation
Definitions, 20.47
Findings, 20.46
Notification and funding requirements, 20.49
Participation in the "STEP" program, 20.48
Transitional independent living plan requirement, 20.48A

SUPPORTIVE HOUSING SERVICE FUND, 10.100-131

SURETY BONDS (See generally BONDS)

SURPLUS CITY PROPERTY ORDINANCE
Administrator, compilation of information, 23A.6
Agency review of property, 23A.5
Application for property, 23A.8
Board of Supervisors review and criteria, 23A.10
Citizens' Advisory Committee, 23A.9
Definitions, 23A.4
Disposition and utilization of property, 23A.11
Findings, 23A.2
General welfare, 23A.13
Information compiled by administrator, 23A.6
Purpose, 23A.3
Severability, 23A.14
Title, 23A.1
Transfer of jurisdiction, 23A.7

SURVEY MONUMENTS
County Surveyor's Survey Monument Preservation Fund, 10.100-50
Preservation fee, 8.24-6

SWEATFREE CONTRACTING
Administration, 12U.7
Advisory group, 12U.6
Contractual requirement, 12U.4
Definitions, 12U.2
Effective date, 12U.8
Enforcement, 12U.7
Exceptions, 12U.9

SWEATFREE CONTRACTING
Findings, 12U.1
Phase-in period, 12U.5
Preemption, 12U.10
Prohibition on sweatshop conditions, 12U.3
Severability, 12U.11

— T —

TAX APPEAL BOARDS (See ASSESSMENT APPEALS BOARDS)

TAX COLLECTOR (See TREASURER-TAX COLLECTOR)

TAXATION (See FINANCE AND TAXATION)

TAXIS
Cabs, App. 6
Meters, 1.15.2

TAXPAYER PROTECTION AMENDMENT OF 2000, App. 51

TECHNICAL CODES (See INTERIM CODES)

TELECOMMUNICATIONS (See also INFORMATION TECHNOLOGY)
Department of Electricity and Telecommunications
Cash revolving funds, 10.143
Duties regarding
General Manager, 22B.2
Radio communication facilities, 22.2
Telecommunications facilities, 22B.2
Facilities
Implementation report, 22B.3
Purpose, 22B.1
Franchises, see FRANCHISES
Radio communication facilities
Applicability to facilities under jurisdiction of Public Utilities Commission, 22.4
Department of Electricity Chief, 22.2
Purpose, 22.1
Submission of plans of new installations for recommendation, 22.3
Telecommunications Commission, 11.87

TELECOMMUNICATIONS (Cont'd)
Telecommunications and Information Services Cable Television Access Development and Programming Fund, 10.100-341

TELPAK CIRCUIT SYSTEM; STOLEN VEHICLES, 1.35

TENANTS
Housing, see HOUSING
Leasing and real estate, see REAL PROPERTY
Rent regulations, see RENT REGULATIONS
Literature distribution regulated, see RESIDENTIAL TENANT COMMUNICATIONS

THEATRICAL WORKERS
Prevailing rate of wages required, 21.25-3

TIME-SHARE CONVERSION ORDINANCE
Conversions prohibited, 41C.4
Definitions, 41C.3
Enforcement, 41C.5
Findings, 41C.2
Review of ordinance, 41C.6
Severability, 41C.7
Title, 41C.1

TIMESHEETS
Payroll procedures, see SALARY AND WAGES TOBACCO, App. 8
Advertising prohibition on city property, 4.20
Surtax, payment of medical claims from funds obtained through, 10.100-86
Tobacco Settlement Revenue Account, 10.100-218

TOURIST HOTEL CONVERSION
Conversions prohibited, 41F.3
Definitions, 41F.2
Enforcement, 41F.4
Severability, 41F.6
Sunset provision, 41F.5
Title, 41F.1

TOWING AND STORAGE REIMBURSEMENT
Computing amount of reimbursement, 10C.3
Effect of policy of insurance, 10C.7
Indigent owner, investigation, 10C.8

TOWING AND STORAGE REIMBURSEMENT (Cont'd)
Information required, 10C.6
Payment of reimbursements, 10C.4
Prohibition on reimbursement, 10C.2
Prosecution of person responsible, 10C.10
Reports, 10C.12
Requests to be under penalty of perjury, 10C.9
Subrogation, 10C.11
Time limit to request reimbursement, 10C.5
Waiver for tow on vehicles; conditions, 10C.1

TOXIC MATERIALS (See HAZARDOUS MATERIALS and PEST CONTROL)

TRAINING
Intern training for public service programs
Duties of interns, 16.9-21
Hold harmless clause, 16.9-22
Peace officer training, 16.9-2

TRANSGENDER
Domestic partnerships, see DOMESTIC PARTNERSHIPS
Youth services sensitivity training, see MINORS

TRANSIT IMPACT DEVELOPMENT FEES (See TRANSPORTATION)

TRANSPORTATION
Assistance programs, special allowances for transportation out of city
Cash Assistance Linked to Medi-Cal (CALM), 20.106.4
General Assistance Program, 20.57.4
Personal Assisted Employment Services (PAES) Program, 20.76.5
Supplemental Security Income Pending (SSIP), 20.206.5
Funds
Capital Reserve Fund, 10.100-155
Improvement Fund, 10.100-157
Information Fund, 10.100-159
Operators Lounge Facilities Fund, 10.100-162
Para Transit Fund, 10.100-164

TRANSPORTATION (Cont'd)
Language other than English, see EQUAL ACCESS TO SERVICES
Municipal railway, see MUNICIPAL RAILWAY
Sales tax for, App. 67
Transit impact development fee
Assessment of interest, 38.10
Charitable exemptions, 38.13
Credits, 38.6
Definitions, 38.1
Findings, 38.2
Imposition, 38.3
Fee schedule
Established, 38.4
Review, 38.7
Lien proceedings
Institution, 38.10
Notice, 38.11
Manner of giving notices, 38.12
Nonpayment, 38.10
Notice of assessment of interest, 38.10
Recordation of notice of fee and delinquency, 38.10
Regulations, 38.9
Rules, 38.9
Severability, 38.14
TIDF, 38.5
Use of proceeds, 38.8
Transportation Commission, Public

TRAVEL EXPENSE REIMBURSEMENT (See OFFICERS AND EMPLOYEES)

TREASURER-TAX COLLECTOR
Audits, quarterly, 10.6-3
Authorized acts, 10.2
Bureau of Delinquent Revenue Collection (See FINANCE AND TAXATION)
Cash revolving funds, 10.165
Dismissal of actions when full amount paid, 1.7-2
Fees, 8.34
Lien procedure, filing with Tax Collector, 10.236
Negotiable instruments, submission to Treasurer for collection, 10.12
Unidentified tax collections, deposit with Treasurer, 10.44
Voluntary Arts Contributions Program, duties, 51.02

TREASURY OVERSIGHT COMMITTEE
Treasury Oversight Committee
Composition, 10.80-3
Costs, 10.80-5
Duties, 10.80-2
Establishment, 10.80-1
Purpose, 10.80-1
Term of Office, 10.80-4

TRIAL JURY (See JURIES)

TRUST SECURITIES (See SECURITIES)

TRUSTEES
Retirement Board and Health Service Board, election, see ELECTIONS
War Memorial Trustees
Defined, 2A.165
Powers subject to Charter, 2A.165.1

— U —

ULSTER (See MACBRIDE PRINCIPALS)

UNFAIR LABOR PRACTICES (See LABOR RELATIONS)

UNIFIED SCHOOL DISTRICT
Bonds, reporting requirements, 10.19-4
General Assistance Program, salary proration, 20.56.1
Personal Assisted Employment Services (PAES) Program, salary proration, 20.75.2
Retirement system, see RETIREMENT
Supplemental Security Income Pending (SSIP), salary proration, 20.205.3

[The next entry begins on number 107.]

[The next entry begins on number 107.]

UNIFORMS
Employment termination or change, 16.462
Finding, 16.450
Return of uniforms, 16.462
Supplied and owned by city, 16.450
Uniform supply records, 16.451

UNITED NATIONS PLAZA
Permits, 1.58

UNIVERSITIES
General Assistance Program, salary proration, 20.56.1
Internships, see INTERNSHIPS
Personal Assisted Employment Services (PAES) Program, salary proration, 20.75.2
Supplemental Security Income Pending (SSIP), salary proration, 20.205.3
University Health Systems Consortium, membership in, 15.104

UNMARRIED PARTNERSHIPS (See DOMESTIC PARTNERSHIPS)

URBAN DEVELOPMENT (See also MUNICIPAL FINANCE LAW)
Action Grant Revolving Fund, 10.100-136
Community redevelopment, see COMMUNITY REDEVELOPMENT
Development generally, see PLANNING AND DEVELOPMENT
Industrial development, see INDUSTRIAL DEVELOPMENT AUTHORITY

U.S.S. MISSOURI HOMEPORTING, App. 18

UTILITIES (See PUBLIC UTILITIES)

— V —

VACATIONS
Award and accrual of, 16.12
Calculation of, 16.11
Catastrophic sick leave policy, transfer of sick leave and vacation credits
Ill employees, 16..9-29A
Ill family members, 16.9-29B

VACATIONS (Cont'd)
Charges between departments, 16.16
Definitions, 16.10
Disability leave supplement, 16.15
Effect of separation upon vacation, 16.13
Vacation schedules, 16.14

VARIANCES, ZONING RECLASSIFICATIONS, CONDITIONAL USE PERMITS
Notification to Assessor
Conditional use
Appeal to Board of Supervisors, 34.3
Authorized by City Planning Commission, 34.2
Variance
Appeal to Board of Appeals, 34.5
Granted by Zoning Administrator, 34.4
Zoning reclassification enacted by Board of Supervisors, 34.1

VEHICLES
Administrative Services Vehicle Leasing Program Fund, 10.100-9
City vehicles, see CITY BUILDINGS, EQUIPMENT, AND VEHICLES
Stolen vehicles, Telpak Circuit System, 1.35
Towing and storage reimbursement
Computing amount of, 10C.3
Effect of policy of insurance, 10C.7
Indigent owner, investigation, 10C.8
Information required, 10C.6
Payment of reimbursements, 10C.4
Prohibition on reimbursement, 10C.2
Prosecution of person responsible, 10C.10
Reimbursement for tow on vehicles, 10C.1
Reports, 10C.12
Towing and storage reimbursement (Cont'd)
Requests; penalty of perjury, 10C.9
Subrogation, 10C.11
Time limit to request reimbursement, 10C.5
Waiver for tow on vehicles, 10C.1
Travel expense reimbursement, see OFFICERS AND EMPLOYEES
Vehicle Theft Crimes Fund, 10.100-185

VENDING STANDS AND MACHINES
Application of federal and state laws, 4.6
City Hall, 4.3
Deposit of funds, 4.5
Exceptions, 4.4
General Hospital; permits for installation, 4.9
Generally, 4.2
Installation agreement, duration, revocation, 4.8
Insurance against claims for damages, 4.7
Maintenance in sanitary condition, 4.6

VETERANS' ADMINISTRATION
Funds
Liability of city, 10.85
Interment, administrative officer designated, 2A.212
Veterans' Affairs Commission
County Veterans Service Officer
Appropriation, 5.108.A-3
Declaration of purpose, 5.108.A
Establishment of, 5.108.A-1
Powers and Duties, 5.108.A-2
Creation of Council, 5.100
Meetings, 5.106
Membership, 5.102
Organization, 5.103
Powers and duties, 5.104
Purpose, 5.101
Report, 5.105
Rules and Regulations, 5.107
Terms of office, 5.103
War Memorial, see WAR MEMORIAL

VICTIMS
Victim/Witness Assistance Program, 2A.70

VIDEOGRAPHY
Film Commission, see ARTS AND CULTURE

VITAL AND HEALTH STATISTICS TRUST FUND, 10.100-320

VOLUNTARY ARTS CONTRIBUTIONS PROGRAM
Expenditures from fund, 51.04
Findings, 51.01
Mayor, 51.03

VOLUNTARY ARTS CONTRIBUTIONS PROGRAM (Cont'd)
Purpose, 51.01
Severability, 51.05
Tax Collector, 51.02
Voluntary Arts Contributions Fund, 10.100-138

VOTING
Elections generally, see ELECTIONS
Representative in certain organizations, voting contrary to city policy, 16.6-2
Requirements for members of bodies created by legislative action, 1.29

— W —

W-2 FORMS
Replacement fees, 8.41

WAGES
Generally, see SALARY AND WAGES
Prevailing wages, see CONTRACT PROCEDURES

WAR MEMORIAL
Cash revolving funds, 10.169-5
Funds
Maintenance and Capital Improvement Fund, 10.100-357
Reserve Fund, 10.100-359
Special Fund, 10.100-361
Purchases of materials and supplies, 2A.165.4
Trustees
Defined, 2A.165
Powers subject to Charter, 2A.165.1

WASTE MATERIALS
Hazardous materials, see HAZARDOUS MATERIALS
Mandatory Refuse Collection Service Fund, 10.100-7
Refuse collection and disposal, App. 1

WATCH LAW ORDERS
Designation of watch laws; Board of Supervisors to respond on behalf of city departments, 2.20

WATER (See also HETCH HETCHY)
Connections, 1.53
Consumption and sewer service rates, fees and charges, App. 39
Rates, App. 57
Use limitations for landscaping new developments and landscaping renovations
Applicability, 63.1
Application approval for new water service, 63.8
Definitions, 63.2
Inspection, 63.7
Irrigation plan submission, 63.3
Irrigation system design and use restrictions, 63.5
Landscaping plan submission, 63.3
Maintenance schedule, 63.6
Planting design restrictions, 63.4
Purpose, 63.1
Severability, 63.9
Soil analysis report submission, 63.3
Water department fees, 63.10
Water Department
Cash revolving funds, 10.166
Revenue Fund, 10.100-366

WATERFRONT LAND USE, App. 20
Amendment, 61.9

WATERFRONT LAND USE (Cont'd)
Chaptering of this ordinance, 61.10
Definitions, 61.6
Findings, 61.1
Implementation, 61.7
Land use planning process, 61.2
Maritime land uses, 61.3
Non-maritime land uses
Acceptable, 61.4
Unacceptable, 61.5
Policy, 61.1
Repeal, 61.9
Severability, 61.8

WEIGHTS AND MEASURES
Acquisition of food by Sealer of Weights and Measures, 21.32
Agricultural Commissioner and Sealer of Weights and Measures, duties consolidated, 2A.221
Department of Consumer Assurance, Regulatory Compliance and Agricultural Standards, 2A.220
Fees for testing devices, 1.15.1
Permits, 1.13-5
Scales
Peddlers and hawkers, 1.15
Sealed by Sealer of Weights and Measures, 1.14
Taximeters, 1.15.2

WELFARE (See ASSISTANCE PROGRAMS)

WIRELESS COMMUNICATIONS
Disrupting meetings, 67A.1

WITNESSES
Appearing before Retirement Board, compensation, 16.33
Contracts for witness protection, 1.27
Victim/Witness Assistance Program
Establishment, 2A.70

WOMEN
Commission on the Status of Women
Cash revolving fund, 10.169-11
Commission, 33.3
Commission on the Status of Women
Cooperation
Of other city and county entities, 33.7
With other groups and individuals, 33.5
Declaration of policy, 33.2
Department, 33.3
Executive Director, 33.3
Findings, 33.1
Powers and duties, 33.4
Reports, 33.6
Disadvantaged businesses, see DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
Minority/women/local business utilization, see BUSINESS SET-ASIDES

WOMEN (Cont'd)
Sexual harassment policy, 16.9-25
U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
CEDAW Task Force, 12K.5
Definitions, 12K.2
Findings, 12K.1
Implementation of the principles, 12K.4
Local principles, 12K.3
Summary of CEDAW, 12K.6

WORK FURLOUGH (See JAILS AND PRISONERS)

WORKERS' COMPENSATION
Human Resources workers' compensation program, 10.145-1
Retirement system
Administration of benefits under Act, 16.82
Department responsibility for costs, 2A.31
Workers' Compensation Council
Members, 16.121-2
Powers and duties, 16.121-3
Procedure, 16.121-2

WORKFORCE DEVELOPMENT ADVISORY COMMITTEE, 83.8

WORKING FAMILIES (See FAMILY)

— Y —

YOUTH (See also MINORS)
Department of Child Support Services
Appointment of Director, 89.1
Duties of the Department, 89.2
Establishment, 89.1
Staff, 89.1
Transfer of functions, 89.3
Department of Children, Youth, and Their Families, 2A.232
Youth Arts Fund, 10.100-34
Youth services sensitivity training
Lesbian, gay, bisexual, transgender, queer, questioning youth
City departments to provide sensitivity training for employees, 12N.3

YOUTH (Cont'd)
Youth services sensitivity training (Cont'd)
Lesbian, gay, bisexual, transgender, queer, questioning youth (Cont'd)
Contracts requiring youth service providers to provide sensitivity training, 12N.2
Definitions, 12N.1
Effective date, 12N.4

— Z —

ZONING
Administrator, notice to Assessor of variances, 34.4
Land use generally, see LAND USE
Notification to Assessor
Conditional use
Appeal to Board of Supervisors, 34.3
Authorized by City Planning Commission, 34.2
Variance
Appeal to Board of Appeals, 34.5
Granted by Zoning Administrator, 34.4
Zoning reclassification enacted by Board of Supervisors, 34.1

33372

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